

The genetic
information
nondiscrimination act
essay sample



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The Genetic Information Nondiscrimination Act passed and signed into law by President Bush in 2008 seeks to outlaw any inappropriate usage by employers and health insurers of individual genetic information. It prohibits the use by an employer of a person's genetic information to decide his or her insurance premiums or the use of such information by employers in making their vital decisions that range from job placement, hiring or any other decisions that regard employees.

The history of the Genetic Information Nondiscrimination Act dates back to the 104th Congress in 1995 where several bills were introduced by the likes of Mark Hatfield and Dianner Feinstein. The bills introduced then were closely related to Genetic Information Nondiscrimination. GINA was introduced in 2007 by Slaughter and senator Showe and passed the vote in the house on April of 2007. It was introduced in the senate by Showe, Kennedy, Enzi and Dodd and it was overwhelmingly supported. From there it was sent to the House of Representatives where it again gained support and was signed into law on May 2008.

According to the act, genetic information refers to an " individuals genetic test results, genetic test results of family members and the occurrence of a disease or disorder in family members, but not information about gender or age of the individual." (The Week in Congress. Com, 2007)

The passage of the GINA was embroiled into controversy drawing heated debates from the insurers and the general public. The insurers and the employers are prohibited by the law from using individual's genetic information in consideration of hiring or firing prospects for the employers or

in determination of the amount of premium to be paid. Such information should not be used as it is tantamount to modern day discrimination.

The controversy in the process of passage of GINA pitted several stakeholders. NIH National Human Genome Research Institute was one body that was in support of the GINA. It argued that GINA was timely as it would guard against genetic discrimination and would “ ensure that biomedical research continues to advance,’ as patients will be “ more comfortable availing themselves to genetic diagnostic tests.” (2008) The argument forwarded here is that GINA will play a great role in advancing the study of genetics as by protecting the right to privacy, it will encourage more volunteers to take genetic tests in confidence that such information will not be used against them by employees and health insurers. Stakeholders in opposition to the GINA ranging from employers and health insurers decried the broadness of the act (Marie Godfrey, 2008).

The genetic information non discrimination employment coalition and the National Association of Manufacturers claimed that the bill failed to address the inconsistencies that exist across the states, and that it creates room for punitive litigations against employers and health insurers.

Although GINA will be in force in 2009, it is bound to provide considerable challenges to the employers in terms of its implementation. There are also fears that employers and health insurance companies will be soft targets for litigations, this however is disapproved by the fact that so far the number of litigations have not increased. Future prospects of the act should seek to

address this as well as pursuing for the implementation of uniform standards in all the states to eradicate the existing inconsistencies.

References

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