



# Legislative Update

May 13, 2009

## **Proposed Regulations on GINA's Employment Nondiscrimination Requirements Have Been Issued By the EEOC**

In March 2009, The Equal Employment Opportunity Commission (EEOC) issued proposed regulations on the Genetic Information Nondiscrimination Act of 2008 (GINA). The new proposed regulations focus solely on GINA's employment nondiscrimination requirements.

Originally enacted in May 2008 by President Bush, GINA's purpose is to prevent discrimination from employers and insurance companies based on genetic health information. Specifically, GINA consist of Title I and Title II. While Title I applies to group health plans sponsored by private employers, unions, state and local government, group and individuals health issuers and issuers of supplemental Medicare insurance, Title II of GINA prohibits the use of genetic information in the context of employment , restricts the deliberate acquisition of genetic information by entities covered under the Act and limits such entities from disclosing genetic information. GINA required the EEOC to issue regulations implementing Title II of the Act within one year of its enactment. The issuance of the proposed regulations is the EEOC's attempt to remain compliant with the terms of the law.

In summary, the proposed regulations follow the terms of the statue closely. The report for the bill introduced into the Senate in 2007 stated that " GINA is designed to extend to individuals in the area of genetic discrimination the same procedures and remedies as are provided under Title VII of the Civil Rights Act of 1964, as amended".

The proposed regulations outline the purpose of GINA, provides general definitions and definition specific to the Act, examines what constitutes "genetic information" and specifies GINA enforcement and remedies. Additionally, the proposed regulations explore medical information that is not considered genetic information. Interaction with other laws, such as the Americans with Disability Act (ADA),the Health Insurance Portability and Accountability Act (HIPAA), the Family Medical Leave Act (FMLA) as well as state laws are also detailed in the proposed regulations.

Final regulations are expected to be issued by the EEOC no later than May 21, 2009. The statutory employment nondiscrimination requirements will be effective November 21, 2009.

To review a copy of the EEOC's press release regarding the proposed regulations [click here](#).

To review the proposed regulations [click here](#).

**Please contact your Conner Strong representative with any questions, toll-free at 1-877-861-3220.**

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