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HOUSE JOINT MEMORIAL 24

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Danice R. Picraux

FOR THE LEGISLATIVE HEALTH SUBCOMMITTEE

A JOINT MEMORIAL

REQUESTING THAT A TASK FORCE BE CONVENED TO PROVIDE ITS FINDINGS AND RECOMMENDATIONS ON THE USE OF GENETIC INFORMATION, ITS APPLICATION IN CERTAIN AREAS AND APPROPRIATE LEGAL PROTECTIONS AND REMEDIES.

WHEREAS, more than four thousand diseases of genetic origin have been identified; and

WHEREAS, many of the diseases associated with genetic alterations are not diagnostic and only indicate a predisposition for a disease, such that a person with the genetic alteration may not necessarily develop the disease; and

WHEREAS, a person has an estimated five to thirty serious genetic alterations in his genetic composition representing less than one-tenth of one percent of his genetic information;

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1 and

2 WHEREAS, genetics is a rapidly evolving field including
3 the identification of new genetic alterations with specific
4 diseases, predisposition for diseases and new applications of
5 genetic information; and

6 WHEREAS, the use of emerging knowledge may be beneficial
7 to New Mexicans but the potential for misuse is significant;
8 and

9 WHEREAS, the federal Health Insurance Portability and
10 Accountability Act of 1996 prohibits the use of genetic
11 information in health insurance but does not address its use
12 in other types of insurance; and

13 WHEREAS, appropriate use of genetic counseling, analysis
14 and information may be impeded by the potential for misuse of
15 such information;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
17 STATE OF NEW MEXICO that the office of the attorney general be
18 requested to convene a task force composed of representatives
19 from the insurance division of the public regulation
20 commission, the workers' compensation administration, the
21 insurance industry, labor, the general public and others as
22 necessary to review, assess and make recommendations
23 regarding:

24 A. the application of genetic information in
25 employment and workers' compensation matters;

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B. the impact of genetic information on the accessibility and affordability of life, long-term care and disability insurance; and

C. other emerging or related uses and misuses of genetic information, as appropriate; and

BE IT FURTHER RESOLVED that the assessment and formulation of recommendations include consideration of:

A. the appropriate scope of the definition of genetic information, including predictive and diagnostic genetic information, genetic test results, history of genetic counseling or testing, family history and inherited characteristics;

B. existing New Mexico and federal law regarding genetic privacy;

C. the interests of employers, employees, insurers and residents of New Mexico; and

D. appropriate legal protections and remedies; and

BE IT FURTHER RESOLVED that the office of the attorney general report its findings and recommendations by October 1, 2002 to the legislative health and human services committee or an appropriate interim committee; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the attorney general, the insurance division of the public regulation commission, the public regulation commission, the workers' compensation administration and the

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labor department.