



Understanding Genetic Information Discrimination

Genetic information discrimination means people are treated differently because their DNA shows an increased risk or a possible risk for getting a certain disease or condition.

Genetic information includes:

- Genetic tests.
- Genetic tests of family members.
- The occurrence of a disease or disorder in family members.
- Any request for or receipt of genetic services.
- Participation in clinical research that includes genetic services by the individual or family member.
- Family history.

The Genetic Information Nondiscrimination Act of 2008, also called GINA, is a federal law that protects some individuals from genetic information discrimination with health insurance and employment.

GINA does not apply to all individuals. However, there may be other state or federal policies that provide similar protections as GINA for these individuals.

The health insurance protections of GINA do not apply to:

- Members of the United States military who get care through TRICARE.
- Indian Health Service.
- Federal employees who get care through Federal Employees Health Benefits.

The employment protections of GINA do not apply to:

- United States military.
- Employees of the federal government.
- Employers with fewer than 15 employees, regardless of it being a not-for-profit organization or a corporation.

GINA does not apply to discrimination with life insurance, long-term care insurance, or disability insurance.

Many states have laws to prevent health insurance discrimination based on genetic tests or family history. If a state has a nondiscrimination law that is stronger than GINA, the state law applies. Consider looking at your state's protections in more detail.

Please note that genetic information discrimination is separate from and does not include issues related to pre-existing diseases or conditions. This means that federal or state laws may impact pre-existing disease or condition definitions and coverage. These laws are subject to change.

Due to legal limitations, a genetic counselor or any other member of your health care team cannot give you more information about GINA than what is provided here. Therefore, before having genetic testing, you are strongly encouraged to get more information from:

- The Genetic Information Nondiscrimination Act of 2008.
- A financial advisor.
- A lawyer.

Your medical record is confidential. The confidentiality of your medical record is protected as required by law. In most circumstances, your medical record cannot be released without your written authorization.

This material is for your education and information only. This content does not replace medical advice, diagnosis or treatment. New medical research may change this information. If you have questions about a medical condition, always talk with your health care provider.

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