

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS GRANT & BURKE**

**RE: Denouncing the Proposed Federal “Preserving Employee Wellness Programs Act”**

**WHEREAS**, the Genetic Information Nondiscrimination Act (GINA) was passed in 2008 to prevent employers and health insurance companies from acquiring and using a person’s genetic information against them when purchasing health insurance or seeking employment; and

**WHEREAS**, GINA protects citizens’ privacy by ensuring that people are not subjected to discriminatory practices when buying health insurance or by their employer when making decisions regarding hiring, firing, job placement, or promotions; and

**WHEREAS**, GINA represents sound public policy in an ever-changing, highly technical and evolving workplace environment; and

**WHEREAS**, legislation has recently been introduced in the House of Representatives titled, “Preserving Employee Wellness Programs Act” (H.R.1313) that is designed to discreetly strip away the protections afforded by GINA; and

**WHEREAS**, the bill, which has already passed the Education and the Workforce; Energy and Commerce Committee in the House, would allow employers to demand their employees undergo genetic testing and compel the relinquishing of those results upon completion; and

**WHEREAS**, the bill’s supporters say the information is collected as part of workplace wellness programs designed to monitor and improve employee health and employees who say “no” could be penalized, which is problematic for workers due to it potentially hurting them financially and subjecting employees to wellness programs that should remain *voluntary* rather than compulsory; and

**WHEREAS**, numerous health and medical advocacy groups have come out against the proposed legislation, including the American Association of Retired Persons (AARP), March of Dimes, National Women’s Law Center, and the American Academy of Pediatrics, stating that the legislation would undermine the basic privacy provisions of GINA; and

**WHEREAS**, it is clear that the true intent of the bill, which is backed by the business lobby, is to protect employers who desire a sharp reduction in the number of employees they need to provide health insurance for, shift health care costs to workers themselves, and offer ineffective wellness programs as an insincere attempt to improve workers’ health; and

**WHEREAS**, it is with utmost urgency and concern that this Honorable Body voice its strong objection to this proposed federal legislation to protect the privacy and sanctity of genetic information and prevent unwanted testing or intrusion on the end of health care companies or employers.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Honorable Body strongly oppose the “Preserving Employee Wellness Programs Act” currently before Congress and denounce its intent to roll back landmark advancements in protecting citizens’ genetic privacy; and be it further

**RESOLVED**, that this Legislature declare the proposed legislation a slippery slope by potentially allowing further detrimental effects on vulnerable workers; and be it further

**RESOLVED**, that certified copies of this resolution shall be sent to United States Senator Chuck Schumer, Senator Kirstin Gillibrand, Representative Brian Higgins, Representative Chris Collins, Representative Virginia Foxx of North Carolina, and any other party deemed necessary and proper.

**FISCAL IMPACT:** None for resolution.