



# FACT SHEET

## H.R. 1313

### **House Resolution 1313 – Preserving Employee Wellness Programs Act**

SEC. 3(a)(1)(A) IN GENERAL.—Notwithstanding any other provision of law, workplace wellness programs and programs of health promotion or disease prevention offered by an employer in conjunction with an employer-sponsored health plan that meet the requirements set forth in subparagraph (B) shall be considered to be in compliance with—  
(iii) section 202(b)(2) of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff–1(b)(2)).

Source <https://www.congress.gov/bill/115th-congress/house-bill/1313/text>

### **Section 202(b)(2) – Genetic Information Nondiscrimination Act (GINA)**

It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee except- (2) where-

- (A) health or genetic services are offered by the employer, including such services offered as part of a wellness program;
- (B) the employee provides prior, knowing, voluntary, and written authorization;
- (C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and
- (D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees

Source <http://uscode.house.gov/quicksearch/get.plx?title=42&section=2000ff-1>

### **TALKING POINTS**

- SHOCK QUESTION: “Do you think it’s right to allow your employer to gather genetic information about your children as part of your employment?”
- WHAT: “The privacy of your genetic information and that of your family members, currently protected by a law called GINA, will be taken away by one line in a pending bill, H.R. 1313”
- HOW: “Don’t be deceived by the ‘voluntary’ nature of the disclosure! With incentives to participate in wellness programs up to 50% off and failure to participate costing an employee possibly many thousands in a year, Americans will be forced to decide between giving up their privacy and less income... and not just their own privacy, but that of their family. Simply because some people don’t value their genetic privacy doesn’t mean we should waive it as a concession to capitalism.”
- NO GOING BACK: “Once your genes are analyzed by wellness programs and shared with employers, there is no going back. Maybe you have a genetic marker that indicates high risk for breast cancer - this information WILL get into other insurance companies' and employer's hands, and you could become unemployable and uninsurable. *Insist on a health assessment and wellness plan WITHOUT your DNA!*”
- ASK: “Vote NO on H.R. 1313, we want our genetic information protected. Employers will have the right to collect and even sell our genetic information (based on data mining, employers can begin to target higher-cost employees for elimination on other grounds or simply deny them a job offer). This is not a good outcome on any level, including moral grounds. True conservatives and Libertarians are concerned. *Our genes are not our fault!*”

### **FURTHER READING**

<http://www.pbs.org/newshour/rundown/house-republicans-let-employers-demand-workers-genetic-test-results/>

<https://www.washingtonpost.com/news/to-your-health/wp/2017/03/11/employees-who-decline-genetic-testing-could-face-penalties-under-proposed-bill/>

<https://louise.house.gov/media-center/press-releases/laughter-hoyer-oppose-legislation-would-undermine-genetic-privacy-1>