

GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)



Protecting Individuals from Genetic Discrimination in Health Insurance and Employment

What is GINA?

Enacted in 2008, the **Genetic Information Nondiscrimination Act (GINA)** is a federal law that prohibits discrimination based on genetic information in two primary areas: Health Insurance (Title I) and Employment Insurance (Title II). Genetic information includes genetic test results for an individual or their family members and information about the manifestation of a disease in an individual's family members.

Protections of GINA

Health Insurance Protections

Health insurers **cannot**:

- Use genetic information to determine eligibility, premiums, or coverage.
- Treat genetic information as a pre-existing condition.
- Require or incentivize individuals to undergo genetic testing.

Employment Protections

Employers **cannot**:

- Use genetic information in hiring, firing, job assignments, promotions, or compensation.
- Request, require, or purchase genetic information (with limited exceptions).
- Retaliate against employees who exercise their GINA rights.

Limitations of GINA

Insurance Limitations

GINA **does not** apply to:

- Life insurance
- Long-term care insurance
- Disability insurance
- Property or other types of insurance

Employment Limitations

GINA **does not** apply to:

- Companies with less than 15 employees
- Active-duty military personnel (covered under Department of War policies)

Manifested Disease

GINA does not apply to a disease or disorder that has already manifested in an individual.

How GINA Relates to HIPAA

While HIPAA protects the privacy of genetic and other health information obtained by certain entities, it does not prevent that information from being used to discriminate. GINA, conversely, prohibits discrimination but does not govern how genetic information is stored, accessed, or shared. Together, these laws offer complementary safeguards, though gaps remain for non-health insurance.

GINA = Protection from genetic discrimination; HIPAA = Privacy of genetic information

