



*Personalized  
Care For Your  
Genetic Health*

## **Genetic Information Nondiscrimination Act of 2008 (GINA) Fact Sheet**

## What is genetic discrimination?

Genetic discrimination is the unfair or unequal treatment of individuals based on their genetic information. This information can include an individual's genetic test results, his or her family members' genetic test results, family health history, genetic services obtained, or data derived from genetic research.

To protect individuals from genetic discrimination, some countries have enacted laws to prevent discriminatory practices based on genetic information.

## What is the Genetic Information Nondiscrimination Act of 2008 (GINA)?

GINA is a U.S. Federal law that protects individuals from genetic discrimination based on genetic information. The law was enacted on May 21, 2008. Although most states have genetic nondiscrimination laws, GINA provides a national minimum standard. Individual states may have stronger protections.

## How does GINA protect my genetic information?

GINA protects your genetic information from being used against you by health insurers and employers.

Health Insurers*	Employers
Cannot use genetic information to make decisions about:	
<ul style="list-style-type: none"><li>• Eligibility for health insurance through a group plan or any individual health insurance plan</li><li>• Health insurance premiums, contribution details or coverage terms</li></ul>	<ul style="list-style-type: none"><li>• Hiring or firing</li><li>• Promotions</li><li>• Terms of employment</li><li>• Treatment of an employee</li></ul>
* Terms apply to most health insurers	

Health plans may obtain and use the results of a genetic test in making a determination regarding payment; however, they are only allowed to request the minimum amount of information necessary to make decisions.

It is also against the law for an employer to request, require or purchase the genetic information of a potential or current employee, or his or her family members. There are a few exceptions to when an employer can legally have your genetic information. If an employer does have the genetic information of an employee, the employer must keep it confidential and in a separate medical file. For more information about exceptions to GINA and situations involving health plans and employers, please visit [ginahelp.org](http://ginahelp.org).

## When does GINA not apply?

GINA does not apply in certain situations and does not cover:

- Other types of insurance such as life insurance, disability insurance, long-term care insurance, etc.
- Individuals who are U.S. military members receiving benefits from the military health system
- Individuals who receive healthcare through the Veterans Health Administration or the Indian Health Service
- Federal employees who receive benefits from the Federal Employees Health Benefits Plans; however, an Executive Order signed by President Bill Clinton provides protections to these individuals
- Employers with fewer than 15 employees

## Why is GINA important?

Genetic information can affect your health. Healthcare providers often use family history and genetic testing results to diagnose and manage different conditions and diseases. GINA provides “peace of mind” for individuals to alleviate fears about how genetic test results or their family’s health history could impact their health insurance or employment.

## What can I do if I feel discriminated against based on my genetic information?

For **health insurance discrimination** inquiries, [contact your state insurance commissioner’s office](#). Every U.S. state, district and territory must match and enforce the protections that GINA affords.

For **employment discrimination** inquiries, claims must be filed with the [Equal Employment Opportunity Commission \(EEOC\)](#). The EEOC will investigate, mediate, attempt conciliation, potentially grant a

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[aboutgeneticcounselors.com](http://aboutgeneticcounselors.com)

notice of Right to Sue, or file a civil suit against the employer, if merited.