

US outlaws genetic discrimination

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"It's the first civil rights bill of the new century of life sciences," said veteran Democratic Senator Edward Kennedy of Massachusetts last week, after the US Senate finally passed the Genetic Information Nondiscrimination Act (GINA).

After more than a decade of political debate, GINA bans health insurers from setting premiums or denying coverage based on the results of genetic tests, as long as customers have no pre-existing disease symptoms. It is also aimed to prevent discrimination in employment decisions.

GINA is expected to be approved this week by the House of Representatives, which backed a slightly different version of the act last year, and will then be signed into law by President George W Bush.

Geneticists hope the act will usher in a new era of personalised medicine, which depends upon people being willing to take genetic tests without fear of discrimination.

"With the passage of GINA, researchers and clinicians can actively encourage Americans to participate in clinical trials and appropriate genetic testing," says Aravinda Chakravarti of Johns Hopkins University in Baltimore, president of the American Society of Human Genetics, in a statement.

But a legal loophole may still allow employers to view genetic test results, says Mark Rothstein, a specialist in health law at the University of Louisville in Kentucky. In the latest issue of the Journal of Law, Medicine & Ethics (vol 36, p 174), he warns that existing law allows employers to request medical records, which may include genetic information, after making a conditional job offer.



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