

By Senator Gibson

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1 A bill to be entitled
2 An act relating to genetic information for insurance
3 purposes; amending s. 627.4301, F.S.; prohibiting
4 insurers authorized to transact insurance in this
5 state from cancelling, limiting, denying coverage, or
6 establishing differentials in premium rates, based on
7 genetic information under certain circumstances;
8 prohibiting insurers from requiring or soliciting
9 genetic information or taking other specified actions
10 with respect to genetic information for insurance
11 purposes; deleting a definition to conform to changes
12 made by the act; providing for applicability;
13 providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 627.4301, Florida Statutes, is amended
18 to read:

19 627.4301 Genetic information for insurance purposes.—

20 (1) ~~DEFINITIONS.~~—As used in this section, the term:

21 ~~(a)~~ "genetic information" means information derived from
22 genetic testing to determine the presence or absence of
23 variations or mutations, including carrier status, in an
24 individual's genetic material or genes that are scientifically
25 or medically believed to cause a disease, disorder, or syndrome,
26 or are associated with a statistically increased risk of
27 developing a disease, disorder, or syndrome, which is
28 asymptomatic at the time of testing. Such testing does not
29 include routine physical examinations or chemical, blood, or

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30 urine analysis, unless conducted purposefully to obtain genetic
31 information, or questions regarding family history.

32 ~~(b) "Health insurer" means an authorized insurer offering~~
33 ~~health insurance as defined in s. 624.603, a self-insured plan~~
34 ~~as defined in s. 624.031, a multiple-employer welfare~~
35 ~~arrangement as defined in s. 624.437, a prepaid limited health~~
36 ~~service organization as defined in s. 636.003, a health~~
37 ~~maintenance organization as defined in s. 641.19, a prepaid~~
38 ~~health clinic as defined in s. 641.402, a fraternal benefit~~
39 ~~society as defined in s. 632.601, or any health care arrangement~~
40 ~~whereby risk is assumed.~~

41 (2) ~~USE OF GENETIC INFORMATION.~~

42 (a) In the absence of a diagnosis of a condition related to
43 genetic information, no ~~health~~ insurer authorized to transact
44 insurance in this state may cancel, limit, or deny coverage, or
45 establish differentials in premium rates, based on such
46 information.

47 (b) ~~Health~~ Insurers may not require or solicit genetic
48 information, use genetic test results, or consider a person's
49 decisions or actions relating to genetic testing in any manner
50 for any insurance purpose.

51 (c) This section applies ~~does not apply~~ to the underwriting
52 or issuance of a life insurance policy, disability income
53 policy, long-term care policy, accident-only policy, hospital
54 indemnity or fixed indemnity policy, dental policy, or vision
55 policy or any other actions of an insurer directly related to a
56 life insurance policy, disability income policy, long-term care
57 policy, accident-only policy, hospital indemnity or fixed
58 indemnity policy, dental policy, or vision policy.

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Section 2. This act shall take effect July 1, 2013.