

By the Committee on Banking and Insurance; and Senator Bean

597-02929-18

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1 A bill to be entitled
2 An act relating to genetic information used for
3 insurance; amending s. 627.4301, F.S.; defining terms;
4 prohibiting life insurers and long-term care insurers,
5 except under certain circumstances, from canceling,
6 limiting, or denying coverage, or establishing
7 differentials in premium rates, based on genetic
8 information; prohibiting such insurers from certain
9 actions relating to genetic information for any
10 insurance purpose; revising a prohibition on the use
11 of genetic test results by health insurers; revising
12 and providing applicability; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
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 (c) "Life insurer" has the same meaning as in s. 624.602
42 and includes an insurer issuing life insurance contracts that
43 grant additional benefits in the event of the insured's
44 disability.

45 (d) "Long-term care insurer" means an insurer that issues
46 long-term care insurance policies as described in s. 627.9404.

47 (2) USE OF GENETIC INFORMATION.—

48 (a) In the absence of a diagnosis of a condition related to
49 genetic information, no health insurer, life insurer, or long-
50 term care insurer authorized to transact insurance in this state
51 may cancel, limit, or deny coverage, or establish differentials
52 in premium rates, based on such information.

53 (b) Health insurers, life insurers, and long-term care
54 insurers may not require or solicit genetic information, use
55 genetic test results in the absence of a diagnosis of a
56 condition related to genetic information, or consider a person's
57 decisions or actions relating to genetic testing in any manner
58 for any insurance purpose.

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59 (c) This section does not apply to the underwriting or
60 issuance of an ~~a life insurance policy, disability income~~
61 ~~policy, long-term care policy,~~ accident-only policy, hospital
62 indemnity or fixed indemnity policy, dental policy, or vision
63 policy or any other actions of an insurer directly related to an
64 ~~a life insurance policy, disability income policy, long-term~~
65 ~~care policy,~~ accident-only policy, hospital indemnity or fixed
66 indemnity policy, dental policy, or vision policy.

67 Section 2. This act applies to policies entered into or
68 renewed on or after January 1, 2019.

69 Section 3. This act shall take effect July 1, 2018.