

1 A bill to be entitled
2 An act relating to genetic testing for
3 insurance purposes; creating s. 627.4301, F.S.;
4 prohibiting health insurers from using genetic
5 information; providing definitions; providing
6 exemptions; amending s. 627.6419, F.S.;
7 prohibiting insurers from denying or canceling
8 coverage or limiting benefits solely due to
9 family history, unless the condition is
10 diagnosed through a breast biopsy; amending s.
11 632.638, F.S.; providing applicability of s.
12 627.4301, F.S., to fraternal benefit societies;
13 creating s. 636.0201, F.S.; providing
14 applicability of s. 627.4301, F.S., to prepaid
15 limited health service organizations; amending
16 s. 641.30, F.S.; providing applicability of s.
17 627.4301, F.S., to health maintenance
18 organizations; creating s. 641.438, F.S.;
19 providing applicability of s. 627.4301, F.S.,
20 to prepaid health clinics; providing civil
21 penalties; providing requirements upon
22 insurers; providing exemptions; providing an
23 effective date.

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

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27 Section 1. Section 627.4301, Florida Statutes, is
28 created to read:

29 627.4301 Genetic information for insurance purposes.--

30 (1) DEFINITIONS.--As used in this section, the term:

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1 (a) "Genetic information" means information derived
2 from genetic testing to determine the presence or absence of
3 variations or mutations, including carrier status, in an
4 individual's genetic material or genes that are scientifically
5 or medically believed to cause a disease, disorder, or
6 syndrome, or are associated with a statistically increased
7 risk of developing a disease, disorder, or syndrome, which is
8 asymptomatic at the time of testing. Such testing does not
9 include routine physical examinations or chemical, blood, or
10 urine analysis, unless conducted purposefully to obtain
11 genetic information, or questions regarding family history.

12 (b) "Health insurer" means an authorized insurer
13 offering health insurance as defined in s. 624.603, a
14 self-insured plan as defined in s. 624.031, a
15 multiple-employer welfare arrangement as defined in s.
16 624.437, a prepaid limited health service organization as
17 defined in s. 636.003, a health maintenance organization as
18 defined in s. 641.19, a prepaid health clinic as defined in s.
19 641.402, a fraternal benefit society as defined in s. 632.601,
20 an accountable health partnership as defined in s. 408.701, or
21 any health care arrangement whereby risk is assumed.

22 (2) USE OF GENETIC INFORMATION.--

23 (a) In the absence of a diagnosis of a condition
24 related to genetic information, no health insurer authorized
25 to transact insurance in this state may cancel, limit, or deny
26 coverage, or establish differentials in premium rates, based
27 on such information.

28 (b) Health insurers may not require or solicit genetic
29 information, use genetic test results, or consider a person's
30 decisions or actions relating to genetic testing in any manner
31 for any insurance purpose.

1 (c) This section does not apply to the underwriting or
2 issuance of a life insurance policy, disability income policy,
3 long-term care policy, accident-only policy, hospital
4 indemnity or fixed indemnity policy, dental policy, or vision
5 policy or any other actions of an insurer directly related to
6 a life insurance policy, disability income policy, long-term
7 care policy, accident-only policy, hospital indemnity or fixed
8 indemnity policy, dental policy, or vision policy.

9 Section 2. Section 627.6419, Florida Statutes, is
10 amended to read:

11 627.6419 Requirements with respect to fibrocystic
12 conditions.--An insurer may not deny the issuance or renewal
13 of, or cancel, a policy of accident insurance or health
14 insurance, nor include any exception or exclusion of benefits
15 in a policy, solely because the insured has been diagnosed as
16 having a fibrocystic condition or a nonmalignant lesion that
17 demonstrates a predisposition, or solely due to the family
18 history of the insured related to breast cancer, or solely due
19 to any combination of these factors, unless the condition is
20 diagnosed through a breast biopsy that demonstrates an
21 increased disposition to developing breast cancer. This
22 section also applies to a policy of group, blanket, or
23 franchise accident or health insurance and to a contract or
24 evidence of coverage issued by a health maintenance
25 organization.

26 Section 3. Section 632.638, Florida Statutes, is
27 amended to read:

28 632.638 Applicability of other code provisions.--In
29 addition to other the provisions ~~heretofore~~ contained or
30 referred to in this chapter, the following ~~other~~ chapters and
31 provisions of this code ~~shall~~ apply to fraternal benefit

1 societies, to the extent applicable and not in conflict with
2 the express provisions of this chapter and the reasonable
3 implications thereof, ~~as follows:~~

- 4 (1) Part I of chapter 624;
- 5 (2) Part II of chapter 624;
- 6 (3) Sections 624.404, 624.415, 624.416, 624.418,
7 624.420, 624.421, 624.4211, 624.422, and 624.423;
- 8 (4) Section 624.501;
- 9 (5) Part I of chapter 626;
- 10 (6) Part III of chapter 626;
- 11 (7) Part IV of chapter 626;
- 12 (8) Sections 626.901 through 626.912;
- 13 (9) Part VIII of chapter 626, subject to the
14 limitations set forth in former s. 632.341;
- 15 (10) Section 627.424;
- 16 (11) Section 627.428;
- 17 (12) Section 627.4301;
- 18 (13)~~(12)~~ Section 627.479; and
- 19 (14)~~(13)~~ Part I of chapter 631.

20 Section 4. Section 636.0201, Florida Statutes, is
21 created to read:

22 636.0201 Genetic information restrictions.--A prepaid
23 limited health service organization must comply with the
24 provisions of s. 627.4301.

25 Section 5. Subsection (5) is added to section 641.30,
26 Florida Statutes, to read:

27 641.30 Construction and relationship to other laws.--
28 (5) Every health maintenance organization must comply
29 with s. 627.4301.

30 Section 6. Section 641.438, Florida Statutes, is
31 created to read:

1 641.438 Genetic information restrictions.--A prepaid
2 health clinic must comply with the provisions of s. 627.4301.

3 Section 7. This act shall take effect January 1, 1998,
4 and shall apply to policies and contracts issued or renewed on
5 or after that date.

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