



344368

LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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05/03/2019 02:00 PM

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Senator Bean moved the following:

Senate Amendment (with title amendment)

Delete lines 17 - 63

and insert:

627.4301 Use of genetic information ~~for insurance~~
~~purposes.~~—

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

(a) "Genetic information" means information derived from genetic testing to determine the presence or absence of variations or mutations, including carrier status, in an individual's genetic material or genes that are scientifically



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12 or medically believed to cause a disease, disorder, or syndrome,
13 or are associated with a statistically increased risk of
14 developing a disease, disorder, or syndrome, which is
15 asymptomatic at the time of testing. Such testing does not
16 include routine physical examinations or chemical, blood, or
17 urine analysis, unless conducted purposefully to obtain genetic
18 information, or questions regarding family history.

19 (b) "Genetic test results" includes, but is not limited to,
20 results of direct-to-consumer commercial genetic testing.

21 (c) "Health insurer" means an authorized insurer offering
22 health insurance as defined in s. 624.603, a self-insured plan
23 as defined in s. 624.031, a multiple-employer welfare
24 arrangement as defined in s. 624.437, a prepaid limited health
25 service organization as defined in s. 636.003, a health
26 maintenance organization as defined in s. 641.19, a prepaid
27 health clinic as defined in s. 641.402, a fraternal benefit
28 society as defined in s. 632.601, or any health care arrangement
29 whereby risk is assumed.

30 (d) "Life insurer" has the same meaning as provided in s.
31 624.602 and includes an insurer issuing life insurance contracts
32 that grant additional benefits in the event of the insured's
33 disability.

34 (e) "Long-term care insurer" means an insurer that issues
35 long-term care insurance policies as described in s. 627.9404.

36 (2) USE OF GENETIC INFORMATION BY CERTAIN INSURERS.-

37 (a) In the absence of a diagnosis of a condition related to
38 genetic information, no health insurer, life insurer, or long-
39 term care insurer authorized to transact insurance in this state
40 may cancel, limit, or deny coverage, or establish differentials



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41 in premium rates, based on such information.

42 (b) Health insurers, life insurers, long-term care
43 insurers, and disability income insurers may not require or
44 solicit genetic information, ~~use genetic test results,~~ or
45 consider a person's decisions or actions relating to genetic
46 testing in any manner for any insurance purpose.

47 (c) Health insurers, life insurers, long-term care
48 insurers, and disability income insurers may use genetic test
49 results when a diagnosis related to the genetic information is
50 present.

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

60 (3) DIRECT-TO-CONSUMER COMMERCIAL GENETIC TESTING ENTITIES;
61 RELEASE.—A direct-to-consumer commercial genetic testing entity
62 may release genetic test results or genetic information, DNA
63 analysis, or other personally identifiable health information
64 only by providing the following release in a standalone document
65 to the consumer and obtaining the consumer's signature on such
66 document prior to release:

67
68 NOTICE REGARDING VOLUNTARY RELEASE OF GENETIC INFORMATION
69



70 By signing this release, I hereby acknowledge that
71 ...(Company name)... is authorized to release my genetic test
72 results and information to ...(Person or entity to receive
73 information).... I understand that signing this document is
74 VOLUNTARY and I AM NOT REQUIRED to sign this document in order
75 to use this product.

76
77 I, ...(Name)..., hereby authorize ...(Company name)... to
78 release my confidential genetic test results and information to
79 ...(Person or entity to receive information)....

80
81 ...(Signature)...

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete lines 2 - 10

86 and insert:

87 An act relating to the use of genetic information;
88 amending s. 627.4301, F.S.; defining terms;
89 prohibiting life insurers and long-term care insurers
90 from canceling, limiting, or denying coverage, or
91 establishing differentials in premium rates, based on
92 genetic information; prohibiting certain insurers from
93 certain actions relating to genetic information and
94 genetic testing; deleting a prohibition against the
95 use of genetic test results by health insurers;
96 specifying when certain insurers may use genetic test
97 results; providing that a direct-to-consumer
98 commercial genetic testing entity may release genetic



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99 test results or certain information only by providing
100 a specified release to the consumer and obtaining the
101 consumer's signature before release; providing
102 applicability; providing an