



344368

LEGISLATIVE ACTION

Senate

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House

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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