

1                   A bill to be entitled  
 2           An act relating to genetic information used for  
 3           insurance purposes; amending s. 627.4301, F.S.;  
 4           defining terms; prohibiting life insurers and long-  
 5           term care insurers from canceling, limiting, or  
 6           denying coverage, or establishing differentials in  
 7           premium rates, based on genetic information;  
 8           prohibiting such insurers from taking certain actions  
 9           relating to genetic information for any insurance  
 10          purpose; providing applicability; providing an  
 11          effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Section 627.4301, Florida Statutes, is amended  
 16          to read:

17           627.4301 Genetic information for insurance purposes.—

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

19           (a) "Genetic information" means information derived from  
 20          genetic testing to determine the presence or absence of  
 21          variations or mutations, including carrier status, in an  
 22          individual's genetic material or genes that are scientifically  
 23          or medically believed to cause a disease, disorder, or syndrome,  
 24          or are associated with a statistically increased risk of  
 25          developing a disease, disorder, or syndrome, which is

26 asymptomatic at the time of testing. Such testing does not  
27 include routine physical examinations or chemical, blood, or  
28 urine analysis, unless conducted purposefully to obtain genetic  
29 information, or questions regarding family history.

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

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

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

45 (2) USE OF GENETIC INFORMATION.—

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

CS/HB 879

2019

51           (b) Health insurers, life insurers, and long-term care  
52 insurers may not require or solicit genetic information, use  
53 genetic test results, or consider a person's decisions or  
54 actions relating to genetic testing in any manner for any  
55 insurance purpose.

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

64           Section 2. This act applies to policies entered into or  
65 renewed on or after January 1, 2020.

66           Section 3. This act shall take effect July 1, 2019.