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HB 1189, Engrossed 1

2020 Legislature

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An act relating to genetic information for insurance purposes; amending s. 627.4301, F.S.; providing definitions; prohibiting life insurers and long-term care insurers from canceling, limiting, or denying coverage, or establishing differentials in premium rates based on genetic information under certain circumstances; prohibiting such insurers from taking certain actions relating to genetic information for any insurance purpose; providing construction and applicability; providing an effective date.

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

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

627.4301 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 or medically believed to cause a disease, disorder, or syndrome, or are associated with a statistically increased risk of developing a disease, disorder, or syndrome, which is

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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 insurers, life insurers, and  
 48 long-term care insurers ~~insurer~~ authorized to transact insurance  
 49 in this state may not cancel, limit, or deny coverage, or  
 50 establish differentials in premium rates, based on such

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51 information.

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

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

65 (d) Nothing in this section shall be construed as  
 66 preventing a life insurer or long-term care insurer from  
 67 accessing an individual's medical record as part of an  
 68 application exam. Nothing in this section prohibits a life  
 69 insurer or long-term care insurer from considering a medical  
 70 diagnosis included in an individual's medical record, even if a  
 71 diagnosis was made based on the results of a genetic test.

72 Section 2. This act applies to policies entered into or  
 73 renewed on or after January 1, 2021.

74 Section 3. This act shall take effect July 1, 2020.