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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/28/2020	.	
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The Committee on Banking and Insurance (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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11 variations or mutations, including carrier status, in an
12 individual's genetic material or genes that are scientifically
13 or medically believed to cause a disease, disorder, or syndrome,
14 or are associated with a statistically increased risk of
15 developing a disease, disorder, or syndrome, which is
16 asymptomatic at the time of testing. Such testing does not
17 include routine physical examinations or chemical, blood, or
18 urine analysis, unless conducted purposefully to obtain genetic
19 information, or questions regarding family history. Genetic
20 information includes the results of direct-to-consumer
21 commercial genetic testing.

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

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

35 (d) "Long-term care insurer" means an insurer that issues
36 long-term care insurance policies as defined in s. 627.9404.

37 (2) USE OF GENETIC INFORMATION.—

38 (a) In the absence of a diagnosis of a condition related to
39 genetic information, no health insurer authorized to transact



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40 insurance in this state may cancel, limit, or deny coverage, or
41 establish differentials in premium rates, based on such
42 information.

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

47 (c) A life insurer, long-term care insurer, or disability
48 income insurer may use genetic information for underwriting
49 purposes only if all of the following criteria are met:

50 1. The genetic information is contained in the medical
51 record.

52 2. The use of any genetic testing results is limited to
53 what is in the medical record.

54 3. The genetic information is relevant to a potential
55 medical condition that impacts mortality or morbidity risk.

56 4. The genetic information is related to expected mortality
57 or morbidity based on sound actuarial principles or reasonably
58 expected experience.

59 (d) A life insurer, long-term care insurer, or disability
60 income insurer may not:

61 1. Cancel coverage based solely on genetic information;

62 2. Require an applicant to take a genetic test as a
63 condition of insurability; or

64 3. Obtain, request, or otherwise require the complete
65 genome sequence of an applicant's DNA.

66 (e) This section does not apply to the underwriting or
67 issuance of an a life insurance policy, disability income
68 policy, long-term care policy, accident-only policy, a hospital



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69 indemnity or fixed indemnity policy, a dental policy, or a
70 vision policy or any other actions of an insurer directly
71 related to an a life insurance policy, disability income policy,
72 long-term care policy, accident-only policy, a hospital
73 indemnity or fixed indemnity policy, a dental policy, or a
74 vision policy.

75 Section 2. Subsection (4) is added to section 760.40,
76 Florida Statutes, to read:

77 760.40 Genetic testing; informed consent; confidentiality;
78 penalties; notice of use of results.—

79 (4) A company providing direct-to-consumer commercial
80 genetic testing may not share any genetic information or
81 personally identifiable information about a consumer with a life
82 insurer or health insurer unless the company obtains prior
83 written consent from the consumer.

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

85
86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete everything before the enacting clause
89 and insert:

90 A bill to be entitled
91 An act relating to the use of genetic information;
92 amending s. 627.4301, F.S.; revising the definition of
93 the term "genetic information"; defining the terms
94 "life insurer" and "long-term care insurer";
95 specifying criteria that must be met before a life
96 insurer, long-term care insurer, or disability income
97 insurer may use genetic information for underwriting



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98 purposes; specifying prohibited acts by such insurers
99 relating to genetic information; amending s. 760.40,
100 F.S.; prohibiting companies providing direct-to-
101 consumer commercial genetic testing from sharing
102 certain information about a consumer with a life
103 insurer or health insurer unless the company obtains
104 the consumer's prior written consent; providing an
105 effective date.