



208866

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

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



208866

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



208866

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



208866

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



208866

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.