

By Senator Stargel

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

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

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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.

22-01738A-20

20201564__

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 to
47 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
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~~

22-01738A-20

20201564__

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

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