

**By** the Committees on Judiciary; and Banking and Insurance; and  
Senator Stargel

590-03504-20

20201564c2

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 construction and  
11          applicability; 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.

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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~~

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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 from accessing an individual's medical  
67 record as part of an application exam. Nothing in this section  
68 prohibits a life insurer from considering a medical diagnosis  
69 included in an individual's medical record, even if a diagnosis  
70 was made based on the results of a genetic test.

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

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