

1 A bill to be entitled
2 An act relating to genetic information used for
3 insurance; amending s. 627.4301, F.S.; providing
4 definitions; prohibiting the use of genetic
5 information in the issuance of life insurance
6 policies, long-term care policies, and disability
7 income policies; providing applicability; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 627.4301, Florida Statutes, is amended
13 to read:

14 627.4301 Genetic information for insurance purposes.—

15 (1) DEFINITIONS.—As used in this section, the term:

16 (a) "Genetic information" means information derived from
17 genetic testing to determine the presence or absence of
18 variations or mutations, including carrier status, in an
19 individual's genetic material or genes that are scientifically
20 or medically believed to cause a disease, disorder, or syndrome,
21 or are associated with a statistically increased risk of
22 developing a disease, disorder, or syndrome, which is
23 asymptomatic at the time of testing. Such testing does not
24 include routine physical examinations or chemical, blood, or
25 urine analysis, unless conducted purposefully to obtain genetic

26 information, or questions regarding family history.

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

36 (c) "Life insurer" has the same meaning as in s. 624.602
37 and includes the granting of additional benefits in the event of
38 the insured's disability.

39 (d) "Long-term care insurer" means an insurer that issues
40 long-term care insurance policies as described in s. 627.9404.

41 (2) USE OF GENETIC INFORMATION.—

42 (a) In the absence of a diagnosis of a condition related
43 to genetic information, no health insurer, life insurer, or
44 long-term care insurer authorized to transact insurance in this
45 state may cancel, limit, or deny coverage, or establish
46 differentials in premium rates, based on such information.

47 (b) Health insurers, life insurers, and long-term care
48 insurers may not require or solicit genetic information, use
49 genetic test results, or consider a person's decisions or
50 actions relating to genetic testing in any manner for any

51 insurance purpose.

52 (c) This section does not apply to the underwriting or
53 issuance of an ~~a life insurance policy, disability income~~
54 ~~policy, long-term care policy,~~ accident-only policy, hospital
55 indemnity or fixed indemnity policy, dental policy, or vision
56 policy or any other actions of an insurer directly related to an
57 ~~a life insurance policy, disability income policy, long-term~~
58 ~~care policy,~~ accident-only policy, hospital indemnity or fixed
59 indemnity policy, dental policy, or vision policy.

60 Section 2. This act applies to policies entered into or
61 renewed on or after January 1, 2019.

62 Section 3. This act shall take effect July 1, 2018.