



370850

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Judiciary (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
variations or mutations, including carrier status, in an



370850

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.

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

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

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

35 (2) USE OF GENETIC INFORMATION.—

36 (a) In the absence of a diagnosis of a condition related to
37 genetic information, ~~no~~ health insurers, life insurers, and
38 long-term care insurers ~~insurer~~ authorized to transact insurance
39 in this state may not cancel, limit, or deny coverage, or
40 establish differentials in premium rates, based on such



370850

41 information.

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

47 (c) This section does not apply to the underwriting or
48 issuance of an a life insurance policy, disability income
49 policy, long-term care policy, accident-only policy, hospital
50 indemnity or fixed indemnity policy, dental policy, or vision
51 policy or any other actions of an insurer directly related to an
52 a life insurance policy, disability income policy, long-term
53 care policy, accident-only policy, hospital indemnity or fixed
54 indemnity policy, dental policy, or vision policy.

55 (d) Nothing in this section shall be construed as
56 preventing a life insurer from accessing an individual's medical
57 record as part of an application exam. Nothing in this section
58 prohibits a life insurer from considering a medical diagnosis
59 included in an individual's medical record, even if a diagnosis
60 was made based on the results of a genetic test.

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

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

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete everything before the enacting clause
68 and insert:

69 A bill to be entitled



370850

70 An act relating to genetic information for insurance
71 purposes; amending s. 627.4301, F.S.; providing
72 definitions; prohibiting life insurers and long-term
73 care insurers from canceling, limiting, or denying
74 coverage or establishing differentials in premium
75 rates based on genetic information under certain
76 circumstances; prohibiting such insurers from taking
77 certain actions relating to genetic information for
78 any insurance purpose; providing construction and
79 applicability; providing an effective date.