

Alert | Health Care & FDA Practice



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Florida Genetic Non-Discrimination Bill Advances in Legislature

Florida could be the first state to deny life and long-term care insurers access to genetic test results. Under a new bill titled “Genetic Information for Insurance Purposes” ([HB 1189](#)), life insurers and long-term care insurers are prohibited from canceling, limiting, or denying coverage, or establishing differentials in premium rates based on genetic information. In addition, HB 1189 would prevent life insurers and long-term care insurers from requiring or soliciting genetic information, using genetic test results, or considering a person's decisions or actions relating to genetic testing in any manner for any insurance purposes.

On Jan. 16, the Florida House Health & Human Services Committee passed HB 1189 without any debate. The bill is now being reviewed by the Commerce Committee, which will have to clear the bill before it would be ready to go to the full House.

HB 1189 is sponsored by Representative Chris Sprowls, the incoming Speaker-designate. It is the only bill he has filed this year. In the Senate, the bill is sponsored by Kelli Stargel, who is part of Senate leadership. Given HB 1189's sponsors, the issue will likely be a high profile one, and will have a good chance of passing in the next year or two.

Closing the GINA-Loophole

Existing federal law, the Genetic Information Nondiscrimination Act (GINA), protects Americans from discrimination in health insurance, employment decisions, and employee benefit decisions on the basis of genetic information. Under GINA, U.S. insurance companies and health plans (including both group and individual insurers, as well as federally regulated plans) are prohibited from:

- looking at predictive genetic information or genetic services before enrollment;
- “requesting or requiring” that individuals or their family members take a genetic test;
- restricting enrollment based on genetic information;
- changing premiums based on genetic information.

GINA, however, does not cover life, long-term care, or disability insurance providers. As a result, those companies can ask about health, family history of disease, or genetic information, and reject those that are deemed too risky.

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