

SENATE BILL REPORT

SB 6284

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 2000

Title: An act relating to individually identifiable DNA testing information.

Brief Description: Protecting DNA information.

Sponsors: Senators Hargrove and Kline.

Brief History:

Committee Activity: Human Services & Corrections: 1/25/2000, 2/1/2000 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6284 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Stevens and Zarelli.

Staff: Joan K. Mell (786-7447)

Background: DNA means deoxyribonucleic acid, a component of human body cells. Analysis of DNA produces a sequence of chemical base pairs (**A** = adenylic acid, **T** = thymidylic acid, **C** = cytidylic acid, and **G** = guanylic acid), which is unique to the individual.

Researchers, scientists, criminal experts, and businesses value interpretation of the unique sequences. The federal government is competing with private researchers to map the entire human genome. The federally supported effort is called the Human Genome Project; a segment of that project operates out of the University of Washington.

In the 1999 session, the Legislature enacted House Concurrent Resolution 4412, which resulted in an interim committee on DNA Identification. The resolution directed House and Senate members to study the policy implications relative to scientific advances that are making DNA useful. The resolution required consideration of privacy concerns given the wealth of individual information available from DNA.

Many statutory provisions govern disclosure or confidentiality of certain information, but very few specify that DNA is included as part of the information.

Summary of Substitute Bill: DNA and a person's individual genetic sequence is private information. Use of the DNA requires written informed consent or specific authorization under state or federal law, which is intended to include the common law.

Health care information is defined to include genetic test information and the DNA, which extend the confidentiality protections that apply to medical records to DNA.

A commission is established to analyze public policy relative to genetic information.

The Board of Health is required to establish confidentiality rules relative to DNA it collects pursuant to newborn screening.

Substitute Bill Compared to Original Bill: Many of the provisions that would have clarified that DNA is confidential protected information are eliminated.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The testimony was supportive of reasonable privacy protections including appropriate informed consent and remedies for wrongful conduct.

Testimony Against: The separate sections create ambiguity regarding what actions are expected under the provisions of the act. Provisions may result in unintended consequences.

Testified: Kristi Coppin; Lisa Thatcher, Washington State Hospital Association (concern); Ken Bertrand, Group Health (concern); Jackie Der, Dr. Wylie Burk, UW (concern); Mike Ryherd, FHCRC; Dr. Barry Logan, WSP (concern); Andy Dolan, State Medical Assoc.; Enid Layes, Washington Biotechnology Association; Cliff Webster, Pharmaceutical Research & Mfrs.of America (concern).