

HOUSE BILL ANALYSIS

SSB 6284

Brief Description: Regulating DNA testing.

Sponsors: Senators Hargrove and Kline.

Hearing: February 25, 2000.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

DNA is the chemical deoxyribonucleic acid, which stores the genetic code of the human body. It is present in almost every cell in the body and a DNA print is obtainable from various bodily tissue and fluids, such as blood, hair, skin, saliva, and semen. Analysis of DNA produces a sequence of chemical base pairs that, except in the case of identical twins, is unique to each individual.

I. Disclosure of Health Care Information: A health care provider is prohibited from disclosing health care information about a patient without the patient's authorization, subject to multiple exceptions. Health care information is oral or recorded information in any form that identifies or can be readily associated with the identity of a patient and directly relates to the care, service, or procedure provided by a health care provider: (1) to diagnose, treat, or maintain the patient's physical or mental condition; or (2) that affects the structure or function of the human body.

II. DNA Identification Committee: In 1999, the Legislature established a Joint Select Committee on DNA Identification, composed of eight members of the Legislature. The Joint Committee was tasked with reviewing DNA use, identification, testing, data banking, technology, research, and privacy issues. The Joint Committee submitted its report to the Legislature on December 1, 1999. The authority for the Joint Committee expires July 1, 2000.

III. Screening Tests of Newborn Infants: All newborn infants born in this state must be screened for several inherited genetic disorders before they are discharged from the hospital. This screening is waived if there is parental objection for religious reasons. The newborn screening is done to detect four congenital diseases: phenylketonuria (PKU), congenital hypothyroidism, congenital adrenal hyperplasia, and hemoglobin diseases, such as sickle cell disease. Early treatment of these disorders prevents serious illness, disability, or death in children. Positive test results for PKU must be reported to the Department of Health (DOH). The DOH is required to promulgate rules to carry out the newborn screening program.

SUMMARY OF BILL:

I. Disclosure of Health Care Information: Genetic test information in a person's DNA and the DNA itself are included in the definition of "health care information" and thus not subject to disclosure without the person's consent except as specifically authorized by existing law.

II. DNA Commission: A 24-member DNA Commission is established to develop a state-wide strategy for evaluating and recommending public policy relating to the use of DNA. The Commission must conduct a survey and produce a resource guide for citizens relating to DNA use, evaluate methods for protecting an individual's privacy interests in DNA, analyze appropriate remedies to compensate individuals for the unauthorized use of DNA, analyze the incidence of discriminatory actions state-wide based upon genetic information, and other functions. The DNA Commission is required to submit an initial report of its findings to the Legislature by July 1, 2001, and the Commission terminates on June 30, 2005.

The DNA Commission consists of two members each from the House of Representatives and the Senate, and 20 members appointed by the governor, including members representing each of the following: local public health, genetic counselors, clinical research, epidemiological research, the Human Genome project, genetic ethics, institutional review boards, geneticists, research institutions, civil rights advocates, criminal justice and corrections, privacy advocates, citizens who have undergone genetic testing, hospitals, pathologists or laboratory medicine, and biotechnologists.

III. Screening Tests of Newborn Infants: Rules adopted by the DOH to carry out the newborn screening program must protect the individual's confidentiality in his or her genetic information.

FISCAL NOTE: Requested on February 18, 2000.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.