

# SENATE BILL REPORT

## ESSB 5207

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As Passed Senate, January 23, 2002

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

**Brief Description:** Regulating DNA testing.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Franklin and Kohl-Welles).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/31/01, 2/22/01 [DPS].

Passed Senate: 3/9/01, 47-0; 1/23/02, 46-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

**Staff:** Edith Rice (786-7444)

**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 preliminary mapping is essentially completed. 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. The interim committee completed its work in July of 2000, and did not make any consensus recommendations. Several pieces of legislation were introduced in the 2000 session. This legislation passed the Senate, but did not pass in the House.

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 Bill:** 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 and DNA analysis when requested by a health care provider or facility.

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

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

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The Board of Health supports this legislation. The board has identified DNA and genetic technology issues as one of its areas to focus on, including promotion of public discussion regarding the breadth of issues and questions raised by the technology. The commission is an ideal means for facilitating statewide discussions of the issues.

**Testimony Against:** Technical issues are included in the language of the bill. The intent of the bill is not clear and the problem being addressed is not apparent. Federal regulation resolves any concerns.

**Testified:** Linda Hull, WA Biotechnology & Biomedical Assn. (con); Mike Ryherd, Fred Hutchinson Cancer Research Center (con); Jonathan Tait, UW Academic Medical Center (con); Jackie Der (con); Ken Bertrand, Group Health; Don Sloma, Executive Director, State Board of Health (pro concept); Eric Robertson, WSP (concern).

**House Amendment(s):** Application of the definition section is clarified. References to the establishment of a DNA commission, membership and responsibilities are removed. The requirement that rules adopted under this chapter must protect an individual's confidentiality of his or her genetic information is removed.