
SENATE BILL 6341

State of Washington

56th Legislature

2000 Regular Session

By Senators Franklin and Stevens

Read first time 01/13/2000. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to informed consent for genetic testing of a
2 person's deoxyribonucleic acid; and adding a new chapter to Title 7
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) Any entity, including any person,
6 obtaining a person's deoxyribonucleic acid in a form that identifies an
7 individual person for purposes of genetic testing must have the
8 person's informed consent.

9 (2) Informed consent requires:

10 (a) An explanation of the purpose for which the deoxyribonucleic
11 acid is being obtained, and whether it will be converted into a
12 computerized individual sequence of chemical base pairs or other form
13 for interpretation;

14 (b) Identification of the entity obtaining the deoxyribonucleic
15 acid and individual sequence;

16 (c) Disclosure of any entity with whom the deoxyribonucleic acid
17 and individual sequence may be shared, including disclosure that the
18 deoxyribonucleic acid or individual sequence may be shared in the
19 future with an unknown entity;

1 (d) A statement of the expected duration that the deoxyribonucleic
2 acid and individual sequence may be kept;

3 (e) A description of reasonably foreseeable risks or harm
4 associated with providing the deoxyribonucleic acid and individual
5 sequence;

6 (f) An explanation of how the deoxyribonucleic acid will be
7 maintained, whether the physical sample will be destroyed or stored,
8 including how and where it will be stored, and how the individual
9 sequence information will be destroyed or stored, including how and
10 where it will be stored;

11 (g) A statement describing any reasonably expected benefits or
12 advantages associated with providing the deoxyribonucleic acid and
13 individual sequence;

14 (h) A statement describing any confidentiality or privacy
15 protections for the deoxyribonucleic acid and individual sequence;

16 (i) Identification of an individual contact and contact information
17 from whom further information may be obtained or reported relative to
18 the deoxyribonucleic acid and individual sequence;

19 (j) Provisions explaining whether the deoxyribonucleic acid and the
20 individual sequence can be expunged or removed from the entity that
21 obtained it and the method to do it;

22 (k) The exclusion of any exculpatory provisions from liability
23 against the entity obtaining the deoxyribonucleic acid and individual
24 sequence;

25 (l) A disclosure that providing deoxyribonucleic acid and an
26 individual sequence is voluntary; and

27 (m) Compliance with the federal informed consent requirements, when
28 applicable, which are more protective of individual privacy.

29 (3) A person's informed consent is not required:

30 (a) In criminal matters if the deoxyribonucleic acid is obtained
31 pursuant to specific common law or statutory authority or a lawfully
32 issued court order;

33 (b) In situations where the person requires emergency medical care
34 as long as the person, or his or her representative in death cases, is
35 informed in a timely manner after the emergency that the
36 deoxyribonucleic acid was obtained;

37 (c) In situations where a person's bodily fluids are obtained
38 without consent pursuant to specific statutory requirement mandating
39 testing; and

1 (d) In situations where the individual is deceased and the entity
2 requesting the deoxyribonucleic acid establishes in a court of law or
3 through an institutional review board process that obtaining
4 individually identifiable deoxyribonucleic acid for genetic testing
5 purposes benefits public health, safety, and welfare, and outweighs the
6 harm to individual privacy interests.

7 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
8 chapter in Title 7 RCW.

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