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CSSB 217(JUD): "An Act relating to genetic privacy."

00 CS FOR SENATE BILL NO. 217(JUD)

01 "An Act relating to genetic privacy."

02 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

03 * **Section 1.** [AS 18](#) is amended by adding a new chapter to read:

04 **Chapter 13. Genetic Privacy.**

05 **Sec. 18.13.010. Genetic testing.** (a) Except as provided in (

06 (1) a person may not collect a DNA sample from a person,
07 DNA analysis on a sample, retain a DNA sample or the results of a D
08 disclose the results of a DNA analysis unless the person has first
09 informed and written consent of the person, or the person's legal g
10 authorized representative, for the collection, analysis, retention,

11 (2) a DNA sample and the results of a DNA analysis perfo
12 sample are the exclusive property of the person sampled or analyzed

13 (b) The prohibitions of (a) of this section do not apply to D
14 collected and analysis conducted

15 (1) under [AS 44.41.035](#) or comparable provisions of anoth

01 jurisdiction;

02 (2) for a law enforcement purpose, including the identif
03 perpetrators and the investigation of crimes and the identification
04 unidentified persons or deceased individuals;

05 (3) for determining paternity;

06 (4) to screen newborns as required by stat

07 (5) for the purpose of emergency medical t

08 (c) A general authorization for the release of
09 information may not be construed as the informed and written consen

10 section. The Department of Heal [Online](#)

11 uniform informed and written cor

12 requirements of this section. A person using that uniform informed
13 consent is exempt from civil or criminal liability for actions take
14 form. A person may revoke or amend their informed and written cons

15 **Sec. 18.13.020. Private right of action.** A person may bring
16 against a person who collects a DNA sample from the person, perform
17 analysis on a sample, retains a DNA sample or the results of a DNA
18 discloses the results of a DNA analysis, in violation of this chapt
19 actual damages suffered by the person, a person violating this chap
20 the person for damages in the amount of \$5,000 or, if the violation
21 monetary gain to the violator, \$100,000.

22 **Sec. 18.13.030. Criminal penalty.** (a) A person commits the cr
23 unlawful DNA collection, analysis, retention, or disclosure if the
24 collects a DNA sample from a person, performs a DNA analysis on a s
25 DNA sample or the results of a DNA analysis, or discloses the resul
26 analysis in violation of this chapter.

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27 (b) In this section, "knowingly" has the meaning given in [AS](#)
28 (c) Unlawful DNA collection, analysis, retention, or disclosure
29 misdemeanor.
30 **Sec. 18.13.100. Definitions.** In this chapter,
31 (1) "DNA" means deoxyribonucleic acid, including mitochon-
01 DNA, complementary DNA and DNA derived from ribonucleic acid;
02 (2) "DNA analysis" means DNA or genetic typing and testi-
03 determine the presence or absence of genetic characteristics in an
04 tests of nucleic acids or chromosomes in order to diagnose or ident-
05 characteristic; "DNA analysis" does not include a routine physical
06 for drugs, alcohol, cholesterol, or the human immunodeficiency viru-
07 blood, or urine analysis, or any other diagnostic test that is wide
08 in clinical practice;
09 (3) "genetic characteristic" includes a gene, chromosome
10 of a gene or chromosome that may be tested to determine the existen-
11 disease, disorder, trait, propensity, or syndrome, or to identify a
12 relative; "genetic characteristic" does not include family history
13 transmitted characteristic whose existence or identity is determine
14 a genetic test.
15 * **Sec. 2.** The uncodified law of the State of Alaska is amended by add-
16 read:
17 APPLICABILITY. [AS 18.13](#), enacted by sec. 1 of this Act, applies to
18 analysis, retention, or disclosure occurring after the effective date of

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