

2018 Regular Session

SENATE BILL NO. 442

BY SENATOR MORRELL

COMMERCIAL REGULATIONS. Requires companies who sell DNA testing kits to inform a purchaser of certain information. (8/1/18)

1 AN ACT
2 To enact Chapter 58 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 51:3150 and 3152, relative to DNA testing kits; to provide relative to
4 advertisement; to provide relative to notification; to provide for certain terms and
5 conditions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 58 of Title 51 of the Louisiana Revised statutes of 1950,
8 comprised of R.S. 51:3150 and 3152, is hereby enacted to read as follows:

9 **§3150. Advertisement; DNA testing kits**

10 **A. Any form of advertising by a company selling kits for DNA testing for**
11 **any purpose shall include a written statement to inform the consumer that by**
12 **submitting his DNA for testing he shall lose the exclusive right to his DNA. The**
13 **statement shall be in conspicuous and legible type that is not smaller than**
14 **fourteen-point font and is in contrast by typography, layout, or color with any**
15 **other printing in the advertisement.**

16 **B. In addition to the requirement in Subsection A of this Section, if the**
17 **advertisement is oral, it shall end with a statement to inform the consumer that**

1 by submitting his DNA for testing he shall lose the exclusive right to his DNA.

2 §3151. DNA testing kits; notice to purchaser

3 Any company selling kits for DNA testing for any purpose shall include
4 in the kit a concise and easy to read notice informing the purchaser of all of the
5 following:

6 (1) The purchaser's DNA may be used in other laboratory research or
7 analysis besides the service that was purchased if the purchaser consents to such
8 research.

9 (2) Information on the research conducted with the purchaser's DNA.

10 (3) Who the purchaser's DNA or other information is shared with or
11 sold to.

12 (4) The purchaser's option to withhold their consent to other laboratory
13 research or analysis, or if previously consented, the ability to remove their
14 consent at anytime by notifying the seller.

15 (5) A statement that informs the purchaser that by submitting his DNA
16 for testing, he shall lose exclusive right to his DNA. This statement shall be in
17 conspicuous and legible type that is not smaller than fourteen-point font and is
18 in contrast by typography, layout, or color with any other printing in the notice.

19 §3152. Violations; penalty

20 Any violation of this Chapter shall be treated as a deceptive and unfair
21 trade practice and shall subject the violator to any and all penalties provided
22 in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et
23 seq.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michelle Ridge.

Proposed law requires a company who sells DNA kits for testing for any purpose to inform the purchaser through advertisement or written notice that by submitting his DNA, the purchaser loses his exclusive right to his DNA.

Proposed law requires that in any form of advertisement by a company that sells DNA

testing kits, the statement informing the purchaser that he loses exclusive right to his DNA shall be in no less than 14 point font and is in contrast by typography, layout, or color with any other printing in the advertisement.

Proposed law requires that if the advertisement is oral, it must end with a statement informing the consumer of his loss of exclusivity.

Proposed law provides that a DNA testing kit shall include a concise and easy to read notice informing the purchaser of all of the following:

- (1) The purchaser's DNA may be used in other laboratory research or analysis besides the service that was purchased if the purchaser consents to such research.
- (2) Information on the research conducted with the purchaser's DNA.
- (3) Who the purchaser's DNA or other information is shared with or sold to.
- (4) The purchaser's option to withhold their consent to other laboratory research or analysis, or if previously consented, the ability to remove their consent at anytime by notifying the seller.
- (5) A statement that informs the purchaser that by submitting his DNA for testing, he shall lose exclusive right to his DNA. This statement shall be in conspicuous and legible type that is not smaller than 14 point font and is in contrast by typography, layout, or color with any other printing in the notice.

A violation of proposed law shall be treated as a deceptive and unfair trade practice and shall subject the violator to any and all penalties provided in the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2018.

(Adds R.S. 51:3150-3152)