

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 through 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 through 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 Subsection A of this Section, if the advertisement is**
17 **oral, it shall end with a statement to inform the consumer that by submitting his**

1 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 other than the service that was purchased if the purchaser consents to
8 such research.

9 (2) Information on the research that may be conducted with the
10 purchaser's DNA.

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

13 (4) The purchaser's option to withhold his consent to other laboratory
14 research or analysis, or if previously consented, the ability to withdraw his
15 consent at any time by notifying the seller.

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

21 §3152. Violations; penalty

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

26 Section 2. This Act shall be known as and may be referred to as the "Henrietta Lacks
27 Act".

The original instrument was prepared by Michelle D. Ridge. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

SB 442 Reengrossed

2018 Regular Session

Morrell

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 other than the service that was purchased if the purchaser consents to such research.
- (2) Information on the research that may be 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 his consent to other laboratory research or analysis, or if previously consented, the ability to withdraw his consent at any time by notifying the seller.
- (5) A statement that informs the purchaser that by submitting his DNA for testing, he shall lose the 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.

Provides that the Act shall be known as the "Henrietta Lacks Act".

Effective August 1, 2018.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Legislative bureau technical changes.
2. Provides that the Act shall be known as the "Henrietta Lacks Act".