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 DIGEST

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SB 442 Reengrossed

2018 Regular Session

Morrell

Proposed law requires a company selling kits for DNA testing for any purpose to provide the user with notice in a concise and easy-to-read manner informing the user of all of the following to the extent they apply to the DNA testing kit:

- (1) Whether the user's DNA may be used for scientific research or analysis unrelated to the service that was purchased, and whether express consent is required for such research or analysis.
- (2) Information on the nature of the scientific research and analysis unrelated to the service that was purchased that may be conducted with the user's DNA.
- (3) Whether the user has the option to withhold consent to the use of his DNA for scientific research or analysis unrelated to the service that was purchased.
- (4) Whether the user's DNA may be shared with a third party for a purpose unrelated to the service that was purchased, and whether the user's DNA may be sold to a third party for any purpose.
- (5) Whether the user has the ability to have his DNA destroyed by the company upon his request.
- (6) A statement as to whether the user relinquishes ownership of his DNA by submitting his DNA for testing.

Proposed law requires the company to provide notices to the user through either of the following methods:

- (1) A website or mobile application, if the user is required to access the website or mobile application in order to obtain the DNA testing service that was purchased.
- (2) Through a written notice included in the box in which the testing kit is provided.

Proposed law provides for a violation of proposed law to be treated as a deceptive and unfair trade practice which subjects the violator to any and all penalties provided in the Unfair Trade Practices and Consumer Protection Law.

Provides for the Act to be known as the "Henrietta Lacks Act".

Effective August 1, 2018.

(Adds R.S. 51:3151-3152)

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".

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the reengrossed bill:

1. Remove all provisions relative to the advertising of DNA testing kits.
2. Change all references from purchaser to user with respect to the person who uses a company's DNA testing kit for a specified purpose.
3. Modify notice content with respect to the notices a company selling DNA testing kits is required to provide to a user.
4. Require the company selling DNA testing kits to provide notices through (a) a website or mobile application, if the user is required to access the website or mobile application to obtain the DNA testing service that was purchased, or (b) through written notice included in the box containing the testing kit.
5. Make technical changes.