

CONFERENCE COMMITTEE REPORT

SB 442

2018 Regular Session

Morrell

May 17, 2018

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 442 by Senator Morrell, recommend the following concerning the Reengrossed bill:

- 1. That the House Committee Amendments No. 1, 2, 3, 4, 5, and 6 proposed by the House Committee on Commerce and adopted by the House of Representatives on May 3, 2018, be adopted.
- 2. That Legislative Bureau Amendment No. 1 proposed by the Legislative Bureau and adopted by the House of Representatives on May 3, 2018, be adopted.
- 3. That House Floor Amendment No. 1 proposed by Representative Crews and adopted by the House of Representatives on May 14, 2018, be rejected.
- 4. That the following amendment to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, between lines 20 and 21 insert:

"C. The provisions of this Section shall not apply to a company that utilizes the DNA only for the testing service purchased, and does not provide the DNA or the test results to a third person for another use or purpose."

Respectfully submitted,

Senators:

Representatives:

Senator Jean-Paul J. Morrell

Representative Thomas Carmody

Senator Daniel "Danny" Martiny

Representative Barry Ivey

Senator Dan Claitor

Representative Royce Duplessis

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

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

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

Report adopts House amendments to:

1. Removes all provisions relative to the advertising of DNA testing kits.
2. Changes all references from purchaser to user with respect to the person who uses a company's DNA testing kit for a specified purpose.
3. Requires the company selling DNA testing kits to provide notices through a website or mobile application if certain conditions apply, or through written notice included in the box containing the testing kit.

Report rejects House amendments which would have:

1. Added language that would make the notification requirement apply only to companies that use the users DNA for research or analysis for purposes other than for the service purchased.

Report amends the bill to:

1. Exclude a company that utilizes the DNA only for the service purchased, and does not provide the DNA to a third person for another use or purpose.

Digest of the bill as proposed by the Conference Committee

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 does not apply to a company that utilizes the DNA only for the testing service purchased and does not provide the DNA or test results to a third person for another use or purpose.

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)