

ASSEMBLY, No. 1170

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Makes DNA samples and genetic information resulting from DNA analysis property of the person sampled or analyzed.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning genetic privacy and amending P.L.1996, c.126.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

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6 1. Section 6 of P.L.1996, c.126 (C.10:5-45) is amended to read
7 as follows:

8 6. No person shall obtain genetic information from an
9 individual, or from an individual's DNA sample, without first
10 obtaining informed consent from the individual or the individual's
11 representative according to regulations promulgated by the
12 Commissioner of Health and Senior Services, in consultation with
13 the Commissioner of Banking and Insurance, pursuant to subsection
14 b. of section 9 of P.L.1996, c.126 (C.10:5-48).

15 a. The requirements of this section shall not apply to genetic
16 information obtained:

17 (1) By a State, county, municipal or federal law enforcement
18 agency for the purposes of establishing the identity of a person in
19 the course of a criminal investigation or prosecution;

20 (2) To determine paternity in accordance with the provisions of
21 section 11 of P.L.1983, c.17 (C.9:17-48);

22 (3) Pursuant to the provisions of the "DNA Database and
23 Databank Act of 1994," P.L.1994, c.136 (C.53:1-20.17 et seq.);

24 (4) To determine the identity of deceased individuals;

25 (5) For anonymous research where the identity of the subject
26 will not be released;

27 (6) Pursuant to newborn screening requirements established by
28 State or federal law; or

29 (7) As authorized by federal law for the identification of
30 persons.

31 b. In the case of a policy of life insurance or a disability
32 income insurance contract, informed consent shall be obtained
33 pursuant to the provisions of P.L.1985, c.179 (C.17:23A-1 et seq.).

34 c. A DNA sample and the genetic information resulting from a
35 DNA analysis performed on the sample are the exclusive property
36 of the person sampled or analyzed and shall not be used without the
37 consent of the person sampled or analyzed.

38 (cf: P.L.1996, c.126, s.6)

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40 2. This act shall take effect immediately.

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STATEMENT

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45 This bill provides that a DNA sample and any genetic

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

A1170 FREIMAN, ZWICKER

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1 information resulting from a DNA analysis of that sample are the
2 property of the person sampled or analyzed and requires consent
3 from the person sampled or analyzed in order to use the sample or
4 genetic information. This bill provides additional protections for
5 persons who engage in direct-to-consumer genetic testing.