

SENATE FILE NO. SF0031

Genetic information privacy.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to genetic information privacy; prohibiting
 2 the collection, retention and disclosure of genetic
 3 information without informed consent as specified;
 4 providing exceptions; providing for the retention and
 5 destruction of genetic information; providing criminal
 6 penalties; providing for a civil cause of action; and
 7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-31-101 through 35-31-104 are
 12 created to read:

13

14

CHAPTER 31

15

GENETIC INFORMATION PRIVACY

16

1 **35-31-101. Definitions.**

2

3 (a) As used in this chapter:

4

5 (i) "Authorized representative" means a person
6 authorized by state or federal law to make health care
7 decisions for an individual;

8

9 (ii) "DNA" means deoxyribonucleic acid;

10

11 (iii) "Genetic analysis" means a test of an
12 individual's DNA, gene products or chromosomes to determine
13 the presence or absence of genetic characteristics in an
14 individual or family;

15

16 (iv) "Genetic characteristic" means a gene or
17 chromosome, or alteration thereof, that is scientifically
18 or medically believed to predispose an individual to a
19 disease, disorder, trait or syndrome, or to identify an
20 individual or a blood relative;

21

22 (v) "Genetic information" means information
23 about the genetic characteristics of an individual or

1 members of an individual's family that are the results of
2 genetic analysis;

3

4 (vi) "Informed consent" means the signing of a
5 consent form by an individual or an individual's authorized
6 representative which includes a description of:

7

8 (A) Any genetic analysis to be performed
9 and how the genetic analysis or resulting genetic
10 information will be used;

11

12 (B) How any genetic information will be
13 retained or disclosed;

14

15 (C) An individual's rights under W.S.
16 35-31-103.

17

18 **35-31-102. Genetic testing; prohibitions; exceptions.**

19

20 (a) Except as provided in subsection (b) of this
21 section, no person conducting genetic analysis shall do any
22 of the following without the informed consent of the
23 individual or the individual's authorized representative:

1

2 (i) Obtain an individual's genetic information;

3

4 (ii) Perform a genetic analysis on an
5 individual;

6

7 (iii) Retain an individual's genetic
8 information;

9

10 (iv) Disclose an individual's genetic
11 information.

12

13 (b) An individual's genetic information may be
14 obtained, retained, disclosed and used without informed
15 consent for:

16

17 (i) Disclosures to the individual or the
18 individual's authorized representative;

19

20 (ii) Law enforcement purposes otherwise
21 authorized by law;

22

1 (iii) The state DNA database created by W.S.
2 7-19-402 or the comparable provisions of another
3 jurisdiction;

4

5 (iv) The registration of sex offenders pursuant
6 to W.S. 7-19-302;

7

8 (v) Determining paternity by court or
9 administrative order;

10

11 (vi) Determining the identity of a deceased
12 individual;

13

14 (vii) Newborn screening requirements under W.S.
15 35-4-801;

16

17 (viii) The provision of emergency medical
18 treatment;

19

20 (ix) An order of a court of competent
21 jurisdiction;

22

1 (x) Anonymous research where the identity of the
2 individual will not be released;

3

4 (xi) Services limited to storage, retrieval,
5 handling or transmission of genetic information by a third
6 party service provider pursuant to a contract or other
7 obligation.

8

9 **35-31-103. Genetic information; inspection;**
10 **retention.**

11

12 (a) An individual or the individual's authorized
13 representative may inspect, correct and obtain genetic
14 information about the individual.

15

16 (b) A person conducting genetic analysis shall
17 destroy an individual's genetic information upon request by
18 the individual or the individual's authorized
19 representative unless:

20

21 (i) The information was obtained pursuant to
22 W.S. 35-31-102(b); or

23

1 (ii) Retention of the information is necessary
2 for a purpose disclosed to the individual or representative
3 in the informed consent.

4
5 (c) Genetic information about an individual obtained
6 pursuant to W.S. 35-31-102(b) shall be used solely for the
7 purposes obtained and shall be destroyed or returned to the
8 individual or the individual's authorized representative
9 upon completion of the purposes for which the information
10 was obtained or in accordance with law.

11
12 **35-31-104. Criminal penalties; private right of**
13 **action.**

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15 (a) Any person violating the provisions of this
16 chapter is guilty of a misdemeanor punishable by a fine of
17 not more than one thousand dollars (\$1,000.00) for each
18 violation.

19
20 (b) An individual whose rights have been violated
21 under the provisions of this chapter may bring a civil
22 action to enjoin or restrain any violation of this chapter
23 and may in the same action seek damages from the person

1 violating this chapter. A prevailing party in an action
2 brought under this subsection may recover all costs and
3 expenses reasonably associated with the action, including
4 but not limited to reasonable attorney fees.

5

6 **Section 2.** This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming
9 Constitution.

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11

(END)