

Subject Privacy of genetic information

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Date July 12, 2019

Overview

Currently, the treatment of genetic information by government entities and other persons (such as business entities) is addressed in Minn. Stat. § 13.386, which is within the Government Data Practices Act. It is unusual for a section within the Government Data Practices Act to place restrictions on non-governmental entities. This bill amends current law so that the section within the Government Data Practices Act will only apply to government entities, makes certain changes to that section, and creates a new section in a consumer protection chapter to address the treatment of genetic information by non-governmental persons or entities.

Summary

Section	Description
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1	Treatment of Genetic Information Held by Government Entities.
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This section makes three changes to the section of the Government Data Practices Act that addresses genetic information. First, it limits the section—which currently includes private persons—so that it applies only to government entities. Second, it expands the current definition of “genetic information” so that it includes any genetic information that could be used to uniquely identify an individual. Third, it provides specific new requirements for written informed consent under this section.

2	Genetic Information.
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This section creates a new statute within a consumer protection statute to address the treatment of genetic information by certain non-governmental entities.

Subd. 1. Scope; exclusions. Specifies that this section does not apply to government entities or health care providers, both of which are subject to other laws that control their use of genetic information.

Section	Description
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Subd. 2. Definition. Provides that “genetic information” has the same definition as in § 13.386, which is addressed in section 1 of the bill.

Subd. 3. Collection, storage, use, and dissemination of genetic information. Provides that an individual’s genetic information is the exclusive property of that individual. Requires any collection, use, storage, or dissemination of genetic information to be limited as provided by the individual’s written informed consent. Provides specific requirements for a written informed consent under this section.

Subd. 4. Enforcement. Allows individuals to sue for violation of this section and recover attorney fees incurred. Also authorizes the attorney general enforcement to sue to enforce this section.



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