

# ASSEMBLY, No. 5804

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 7, 2019

**Sponsored by:**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 11/8/2019)

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 the  
19 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 will  
26 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 persons.

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

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

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

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39 2. This act shall take effect immediately.

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42 STATEMENT

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44 This bill provides that a DNA sample and any genetic information  
45 resulting from a DNA analysis of that sample are the property of the  
46 person sampled or analyzed and requires consent from the person

**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.

**A5804 FREIMAN, ZWICKER**

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1   sampled or analyzed in order to use the sample or genetic  
2   information. This bill provides additional protections for persons  
3   who engage in direct-to-consumer genetic testing.