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

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

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

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

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

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

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


(4) To determine the identity of deceased individuals;

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

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

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

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

c. A DNA sample and the genetic information resulting from a DNA analysis performed on the sample are the exclusive property of the person sampled or analyzed and shall not be used without the consent of the person sampled or analyzed. (cf: P.L.1996, c.126, s.6)

2. This act shall take effect immediately.

STATEMENT

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