

# SENATE BILL No. 379

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-36-6.

**Synopsis:** Collection, possession, and use of DNA. Provides that an individual owns the individual's DNA. Requires a person who collects, possesses, or uses an individual's DNA to provide certain information and obtain consent for the collection or use. Requires the state department of health to develop and make available a consent form for use by persons collecting, possessing, or using DNA. Makes certain exceptions.

**Effective:** Upon passage; July 1, 2000.

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## Miller

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January 10, 2000, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

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# SENATE BILL No. 379



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-36-6 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2000]:

4 **Chapter 6. Consent to Collection and Use of DNA**

5 **Sec. 1. (a) As used in this chapter, "consent" means a written**  
6 **agreement to allow an individual's DNA to be collected and used**  
7 **for a specific purpose after the consenting party has:**

8 (1) **received a full explanation of the specific use, storage,**  
9 **disposal, confidentiality provisions, and costs; and**

10 (2) **signed a consent form prescribed by the state department.**

11 (b) **As used in this chapter, "DNA" refers to deoxyribonucleic**  
12 **acid. DNA is located in the nucleated cells and provides an**  
13 **individual's personal genetic blueprint. DNA encodes genetic**  
14 **information that is the basis of human heredity and forensic**  
15 **identification.**

16 (c) **As used in this chapter, "person" means an individual, a**  
17 **partnership, a corporation, an association, a joint stock association,**



1 or a governmental entity other than an agency or instrumentality  
2 of the United States.

3 **Sec. 2. An individual owns the individual's DNA.**

4 **Sec. 3. This chapter does not apply to the:**

- 5 (1) uses of DNA contained in the Indiana DNA database  
6 described in IC 10-1-9;  
7 (2) use of nonidentifying data generated by a laboratory  
8 conducting DNA analysis described in IC 20-12-34.5; or  
9 (3) use of results of forensic DNA analysis in a criminal trial  
10 or hearing under IC 35-37-4-13.

11 **Sec. 4. A person who collects DNA from an individual for any  
12 purpose shall:**

- 13 (1) inform the individual of the collection of DNA from the  
14 individual; and  
15 (2) obtain consent from the individual for the collection of the  
16 DNA.

17 **Sec. 5. A person who collects DNA from an individual under  
18 section 3 of this chapter may not provide:**

- 19 (1) the DNA; or  
20 (2) any information regarding the DNA, including the  
21 existence of the DNA;

22 to any other person without the individual's consent.

23 **Sec. 6. A person who possesses an individual's DNA may not use  
24 the DNA for any purpose unless the person:**

- 25 (1) informs the individual that the person possesses the  
26 individual's DNA;  
27 (2) informs the individual regarding the specific use and  
28 specific purpose of the use of the DNA; and  
29 (3) obtains written consent from the individual for the specific  
30 use of the DNA.

31 **Sec. 7. A person who knowingly, intentionally, or recklessly  
32 violates this chapter commits a Class A misdemeanor.**

33 **SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The state  
34 department of health shall, in accordance with IC 16-36-6, as  
35 added by this act, and before July 1, 2000, develop, and make  
36 available a consent form to be used by a person who collects,  
37 possesses, or uses DNA.**

38 **(b) This SECTION expires July 1, 2000.**

39 **SECTION 3. An emergency is declared for this act.**

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