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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE No. 901**

February 16, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act  
1.2 relating to genetic information; specifying how genetic information may be used;  
1.3 amending Minnesota Statutes 2008, section 13.386; proposing coding for new  
1.4 law in Minnesota Statutes, chapter 144.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 13.386, is amended to read:

1.7 **13.386 TREATMENT OF GENETIC INFORMATION HELD BY**  
1.8 **GOVERNMENT ENTITIES ~~AND OTHER PERSONS.~~**

1.9 Subdivision 1. **Definition.** (a) "Genetic information" means human biological  
1.10 specimens and information about an ~~identifiable~~ individual derived from the presence,  
1.11 absence, alteration, or mutation of a gene, or the presence or absence of a specific DNA or  
1.12 RNA marker, which has been obtained from an analysis of:

1.13 (1) the individual's biological information or specimen; or

1.14 (2) the biological information or specimen of a person to whom the individual  
1.15 is related.

1.16 (b) "Genetic information" also means medical or biological information collected  
1.17 from an individual about a particular genetic condition that is or might be used to provide  
1.18 medical care to that individual or the individual's family members.

1.19 (c) "Human biological specimen" means human tissue, fluids, organs, and any other  
1.20 human body part from which DNA may be isolated.

1.21 Subd. 2. **Private data.** Genetic information held by a government entity is private  
1.22 data on individuals as defined by section 13.02, subdivision 12.

1.23 Subd. 3. **Collection, storage, use, and dissemination of genetic information.**  
1.24 Unless otherwise expressly provided by law, genetic information about an individual:

2.1 (1) may be collected by a government entity, as defined in section 13.02, subdivision  
2.2 7a, ~~or any other person~~ only with the written informed consent of the individual;

2.3 (2) may be used only for purposes to which the individual has given written  
2.4 informed consent;

2.5 (3) may be stored only for a period of time to which the individual has given written  
2.6 informed consent; and

2.7 (4) may be disseminated only:

2.8 (i) with the individual's written informed consent; or

2.9 (ii) if necessary in order to accomplish purposes described by clause (2). A consent  
2.10 to disseminate genetic information under item (i) must be signed and dated. Unless  
2.11 otherwise provided by law, such a consent is valid for one year or for a lesser period  
2.12 specified in the consent.

2.13 **Sec. 2. [144.281] TREATMENT OF GENETIC INFORMATION.**

2.14 **Subdivision 1. Definitions.** (a) "Genetic information" means human biological  
2.15 specimens and information about an individual derived from the presence, absence,  
2.16 alteration, or mutation of a gene, or the presence or absence of a specific DNA or RNA  
2.17 marker, which has been obtained from an analysis of:

2.18 (1) the individual's biological information or specimen; or

2.19 (2) the biological information or specimen of a person to whom the individual  
2.20 is related.

2.21 (b) "Genetic information" also means medical or biological information collected  
2.22 from an individual about a particular genetic condition that is or might be used to provide  
2.23 medical care to that individual or the individual's family members.

2.24 (c) "Human biological specimen" means human tissue, fluids, organs, and any other  
2.25 human body part from which DNA may be isolated.

2.26 **Subd. 2. Collection, storage, use, and dissemination of genetic information.**

2.27 Unless otherwise provided by law, genetic information about an individual:

2.28 (1) may be collected only with the written, informed consent of the individual;

2.29 (2) may be used only for the purpose to which the individual has given written,  
2.30 informed consent;

2.31 (3) may be stored only for a period of time to which the individual has given  
2.32 written, informed consent; and

2.33 (4) may be disseminated only with the individual's signed and dated, written  
2.34 informed consent, or as necessary to accomplish the purpose as provided in clause (2).

- 3.1 Unless otherwise provided by law, consent to disseminate genetic information is valid for
- 3.2 one year or for a lesser period if specified in the consent document.