

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3245

(SENATE AUTHORS: LATZ and Limmer)

DATE
04/12/2023

D-PG

Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to data practices; requiring informed consent for collection, use, and
1.3 dissemination of genetic information; authorizing civil remedies; amending
1.4 Minnesota Statutes 2022, section 13.386, subdivision 3; proposing coding for new
1.5 law in Minnesota Statutes, chapter 144.

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

1.7 Section 1. Minnesota Statutes 2022, section 13.386, subdivision 3, is amended to read:

1.8 Subd. 3. **Collection, storage, use, and dissemination of genetic information.** (a) Unless
1.9 otherwise expressly provided by law, genetic information about an individual:

1.10 (1) may be collected by a government entity, as defined in section 13.02, subdivision
1.11 7a, ~~or any other person~~ only with the written informed consent of the individual;

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

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

1.16 (4) may be disseminated only:

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

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

2.1 (b) Newborn screening activities conducted under sections 144.125 to 144.128 are subject
2.2 to paragraph (a). Other programs and activities governed under section 144.192 are not
2.3 subject to paragraph (a).

2.4 Sec. 2. [144.3346] GENETIC INFORMATION COLLECTION, USE, AND
2.5 DISSEMINATION; INFORMED CONSENT REQUIRED.

2.6 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
2.7 the meanings given.

2.8 (b) "Genetic information" has the meaning given in section 13.386, subdivision 1.

2.9 (c) "Person" means any individual, partnership, corporation, association, business trust,
2.10 or a legal representative of an organization. Person does not include a government entity
2.11 as defined in section 13.02, subdivision 7a.

2.12 Subd. 2. Informed consent. Unless otherwise expressly provided by law, genetic
2.13 information about an individual:

2.14 (1) may be collected by a person only with the written informed consent of the individual;

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

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

2.19 (4) may be disseminated only:

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

2.21 (ii) if necessary in order to accomplish the purposes described by clause (2).

2.22 A consent to disseminate genetic information under clause (4), item (i), must be signed and
2.23 dated. Unless otherwise provided by law, such a consent is valid for one year or for a lesser
2.24 period specified in the consent.

2.25 Subd. 3. Action. An individual injured by a violation of this section may bring an action
2.26 in district court for injunctive relief, damages, and reasonable costs and attorney fees.

2.27 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to genetic
2.28 information collected on or after that date.