

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6900
BILL NUMBER: SB 284

NOTE PREPARED: Jan 3, 2024
BILL AMENDED:

SUBJECT: Consumer Genetic Testing Providers.

FIRST AUTHOR: Sen. Hunley
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires a provider of genetic testing services (provider) to disclose specified information to an individual who submits biological material to the provider for genetic testing. It prohibits a provider that performs, or causes to be performed, genetic testing on an individual's biological material from:

- (1) taking specified actions with regard to:
 - (A) the biological material; or
 - (B) data resulting from genetic testing performed on the biological material;unless the provider has solicited and received the individual's consent to the action; or
- (2) providing data, other than deidentified data, resulting from genetic testing performed on the individual's biological material to:
 - (A) an insurer;
 - (B) a business that provides information or data to insurers for the purposes of underwriting or rating of risks; or
 - (C) the individual's employer.

It imposes specified requirements on a provider with respect to:

- (1) controlling access to an individual's biological material and data;
- (2) complying with the individual's revocation of consent with regard to the individual's biological material and data; and
- (3) marketing or advertising sent to the individual as a result of the individual's solicitation and use of the provider's services or use of the provider's website or other remote or virtual services.

It provides that a consumer genetic testing provider may not charge a fee for the provision of biological

material or for the provision of data resulting from genetic testing performed on biological material: (1) to a law enforcement agency; or (2) as required by a court order; that is more than the provider's actual cost of providing the material or data. It also provides that the Attorney General may bring an enforcement action against a provider and specifies penalties for both negligent violations and willful violations.

This bill provides that a person may not discriminate against an individual on the basis of the individual's solicitation and use of consumer genetic testing services or on the basis of the results of genetic testing performed by a provider.

Effective Date: July 1, 2024.

Explanation of State Expenditures: *Deceptive Acts:* This bill adds to the list of unfair and deceptive acts that are actionable by the Attorney General (AG). To the extent the AG enforces provisions of this bill, agency workload would increase to investigate and potentially prosecute allegations. Increases in AG workload are expected to be accomplished within existing resource and funding levels.

Explanation of State Revenues: *Deceptive Acts:* Unfair and deceptive acts discovered by the AG for consumer genetic testing providers carry a maximum \$10,000 civil penalty for each violation, which is deposited in the General Fund. If this bill increases the number of unfair and deceptive acts discovered in the state, revenue to the General Fund will increase from civil penalties paid by violators. Actual increases in revenue are unknown but expected to be small.

Court Fee Revenue: If additional civil cases occur and court fees are collected, revenue to the state General Fund will increase. The total revenue per case would range between \$100 and \$122. The amount deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional cases occur, revenue will be collected by certain local units. If the case is filed in a court of record, the county will receive \$32 and qualifying municipalities will receive a share of \$3. If the case is filed in a municipal court, the county receives \$20, and the municipality will receive \$37. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Trial courts, city and town courts.

Information Sources: Indiana Supreme Court, Indiana Trial Court Fee Manual.

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