

**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 30, 2024
BILL AMENDED: Jan 29, 2024

SUBJECT: Consumer Genetic Testing Providers.

FIRST AUTHOR: Sen. Hunley
FIRST SPONSOR: Rep. Pierce K

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: 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 consumer genetic testing services provider.

The bill requires a 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 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 genetic testing services or use of a website or other remote or virtual service associated with the provider's genetic testing services.

It provides that a provider may not charge a fee for the provision of biological material or of data resulting from genetic testing performed on biological material: (1) to a law enforcement agency on the basis of a search warrant; 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 for enforcement of the bill's provisions by the Attorney General.

Effective Date: July 1, 2024.

Explanation of State Expenditures: *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: *Genetic Discrimination Violations:* Violations for genetic discrimination from consumer genetic testing providers carry a maximum \$7,500 civil penalty, which is deposited in the General Fund. If this bill increases the number of violations for genetic discrimination, 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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