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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

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DIGEST

SB 442 Original

2018 Regular Session

Morrell

Proposed law requires a company who sells DNA kits for testing for any purpose to inform the purchaser through advertisement or written notice that by submitting his DNA, the purchaser loses his exclusive right to his DNA.

Proposed law requires that in any form of advertisement by a company that sells DNA testing kits, the statement informing the purchaser that he loses exclusive right to his DNA shall be in no less than 14 point font and is in contrast by typography, layout, or color with any other printing in the advertisement.

Proposed law requires that if the advertisement is oral, it must end with a statement informing the consumer of his loss of exclusivity.

Proposed law provides that a DNA testing kit shall include a concise and easy to read notice informing the purchaser of all of the following:

- (1) The purchaser's DNA may be used in other laboratory research or analysis besides the service that was purchased if the purchaser consents to such research.
- (2) Information on the research conducted with the purchaser's DNA.
- (3) Who the purchaser's DNA or other information is shared with or sold to.
- (4) The purchaser's option to withhold their consent to other laboratory research or analysis, or if previously consented, the ability to remove their consent at anytime by notifying the seller.
- (5) A statement that informs the purchaser that by submitting his DNA for testing, he shall lose exclusive right to his DNA. This statement shall be in conspicuous and legible type that is not smaller than 14 point font and is in contrast by typography, layout, or color with any other printing in the notice.

A violation of proposed law shall be treated as a deceptive and unfair trade practice and shall subject the violator to any and all penalties provided in the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2018.

(Adds R.S. 51:3150-3152)