

SENATE BILL NO. 442

BY SENATOR MORRELL

1 AN ACT

2 To enact Chapter 58 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 51:3151 and 3152, relative to DNA testing kits; to provide relative to
4 notification; to provide for certain terms and conditions; to provide for violations and
5 penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 58 of Title 51 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 51:3151 and 3152, is hereby enacted to read as follows:

9 **§3151. DNA testing kits; notice to user**

10 **A. Any company selling kits for DNA testing for any purpose shall**
11 **provide the user of such kit with notice in a concise and easy-to-read manner**
12 **informing the user of all of the following to the extent they apply to the DNA**
13 **testing kit being provided by the company:**

14 **(1) Whether the user's DNA may be used for scientific research or**
15 **analysis unrelated to the service that was purchased, and whether express**
16 **consent is required for such research or analysis.**

17 **(2) Information on the nature of the scientific research and analysis**
18 **unrelated to the service that was purchased that may be conducted with the**
19 **user's DNA.**

20 **(3) Whether the user has the option to withhold consent to the use of his**
21 **DNA for scientific research or analysis unrelated to the service that was**
22 **purchased.**

23 **(4)(a) Whether the user's DNA may be shared with a third party for a**
24 **purpose unrelated to the service that was purchased.**

25 **(b) Whether the user's DNA may be sold to a third party for any**
26 **purpose.**

1 (5) Whether the user has the ability to have his DNA destroyed by the
2 company upon his request.

3 (6) A statement as to whether the user relinquishes ownership of his
4 DNA by submitting his DNA for testing.

5 B. The company shall provide to the user the notices required in
6 Subsection A of this Section through either of the following methods:

7 (1) A website or mobile application, if the user is required to access the
8 website or mobile application in order to obtain the DNA testing service that
9 was purchased.

10 (2) Through a written notice included in the box in which the testing kit
11 is provided.

12 C. The provisions of this Section shall not apply to a company that
13 utilizes the DNA only for the testing service purchased, and does not provide the
14 DNA or the test results to a third person for another use or purpose.

15 §3152. Violations; penalty

16 Any violation of this Chapter shall be treated as a deceptive and unfair
17 trade practice and shall subject the violator to any and all penalties provided
18 in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et
19 seq.

20 Section 2. This Act shall be known as and may be referred to as the "Henrietta Lacks
21 Act".

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____