

Subject Consumer data protection: genetic information

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Overview

The bill imposes certain consumer privacy protections on companies that offer genetic testing services directly to consumers. These protections include disclosure of key policies, consent requirements, and limits of data disclosures.

Summary

Section	Description
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1	Genetic Information Privacy Act.
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Creates a new statutory section regulating direct-to-consumer genetic testing companies.

Subd. 1. Definitions. Defines key terms for the section, including a “direct-to-consumer genetic testing company” that is subject to the section.

Subd. 2. Disclosures and consent requirements. Places various privacy-protective requirements on a genetic testing company, including:

- 1) disclosure of key policies related to consumer privacy;
- 2) obtaining consumer consent regarding the uses of genetic information;
- 3) not disclosing genetic data to law enforcement without a search warrant or other court order;
- 4) instituting data security measures; and
- 5) allowing consumers to access, obtain, and request deletion of their data.

Also, prohibits certain disclosure of genetic information without the consumer’s consent, requires a mechanism for a consumer to revoke prior consent, and requires notice the deidentified data may be shared for research purposes.

Subd. 3. Service provider agreements. Prohibits a “service provider” (i.e., a third party that interacts with a consumer’s genetic information on behalf of a genetic testing company) from using or disclosing the consumer’s genetic information in

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any way other than what is provided for in the service provider's contract with the genetic testing company.

Subd. 4. Enforcement. Allows the commissioner of commerce to enforce this section under its statutory general investigation and enforcement authority.

Subd. 5. Limitations. Specifies that this section does not apply to either entities subject to federal HIPAA regulations or higher education institutions and their subsidiaries.

Subd. 6. Construction. Specifies that this section does not supersede a section of the government data practices act that regulates treatment of genetic information held by government entities and other persons.



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