

HOUSE BILL NO. HB0073

Genetic testing-limitations on disclosure of information.

Sponsored by: Joint Labor, Health and Social Services Interim Committee

A BILL

for

1 AN ACT relating to genetic testing; limiting the disclosure
2 of information obtained as a result of a genetic test;
3 authorizing certain disclosures; providing a cause of
4 action for violations; and providing for an effective date.

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6 Be It Enacted by the Legislature of the State of Wyoming:

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8 Section 1. W.S. 26-50-101 through 26-50-104 are
9 created to read:

10

11

CHAPTER 50

12

GENETIC TESTING-LIMITATION OF DISCLOSURE

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26-50-101. Definitions.

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(a) As used in this article:

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1 (i) "Disability insurance" means as defined in
2 W.S. 26-5-103;

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4 (ii) "Entity" means any insurance company, or
5 other person or organization licensed under this code,
6 health maintenance organization, third party administrator,
7 nonprofit hospital, medical-surgical and health service
8 corporation or other entity that provides health care
9 insurance, life insurance, disability insurance or long-
10 term care insurance coverage and is subject to the
11 jurisdiction of the insurance department;

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13 (iii) "Genetic testing" means any laboratory
14 test of human DNA, RNA or chromosomes that is used to
15 identify the presence or absence of alterations in genetic
16 material which are associated with disease or illness.
17 "Genetic testing" includes only such tests as are direct
18 measures of such alterations rather than indirect
19 manifestations thereof;

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21 (iv) "Life insurance" means as defined by W.S.
22 26-5-102;

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1 (v) "Long-term care insurance" means as defined
2 by W.S. 26-35-103(a)(v).

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4 **26-50-102. Confidentiality of genetic testing**
5 **information.**

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7 (a) Information derived from genetic testing shall be
8 confidential and privileged. Any release, for purposes
9 other than diagnosis, treatment or therapy, of genetic
10 testing information, except as provided in W.S. 26-50-103
11 and 26-50-104, that identifies the person tested with the
12 test results released requires specific written consent by
13 the person tested.

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15 (b) Any entity that receives information derived from
16 genetic testing may not seek, use or keep the information
17 for any nontherapeutic purpose or for any underwriting
18 purpose connected with the provision of health care
19 insurance, life insurance, disability insurance or long
20 term care insurance coverage.

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22 **26-50-103. Use of information in a criminal**
23 **investigation.**

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1 Notwithstanding the provisions of W.S. 26-50-102, in the
2 course of a criminal investigation or a criminal
3 prosecution, and to the extent allowed under the federal or
4 state constitution, any peace officer, district attorney or
5 the attorney general or a designee thereof, may obtain
6 information derived from genetic testing regarding the
7 identity of any individual who is the subject of the
8 criminal investigation or prosecution for use exclusively
9 in the criminal investigation or prosecution without the
10 consent of the individual being tested.

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12 **26-50-104. Exceptions.**

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14 (a) Notwithstanding the provisions of W.S. 26-50-102,
15 any research facility may use the information derived from
16 genetic testing for scientific research purposes so long as
17 the identity of any individual to whom the information
18 pertains is not disclosed to any third party, except that
19 the individual's identity may be disclosed to the
20 individual's physician if the individual consents to the
21 disclosure in writing.

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23 (b) This article does not limit:

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1 (i) The authority of a court or any party to a
2 parentage proceeding to use information obtained from
3 genetic testing for purposes of determining parentage
4 pursuant to W.S. 14-2-101 through 14-2-120;

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6 (ii) The ability of a licensed physician to
7 conduct a medical examination of a victim pursuant to W.S.
8 6-2-309 relating to examinations of victims of sexual
9 assault;

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11 (iii) The authority of a physician to take a
12 blood test of any pregnant woman pursuant to W.S. 35-4-502;

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14 (iv) The authority of the division of criminal
15 investigation to draw or collect DNA samples for use under
16 Wyoming's DNA identification record system as authorized by
17 W.S. 7-19-401 through 7-19-406.

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19 (c) This article does not apply to the use of genetic
20 information by an entity needing access to the information
21 for purposes of payment of the claim.

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