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BILL ANALYSIS

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Senate Bill 467 (Substitute S-1 as reported)
Sponsor: Senator Tom George
Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to provide for the confidentiality of information regarding genetic testing performed on an individual; restrict the disclosure of such information; and authorize sanctions to be imposed on a person who violated the bill's provisions.

Under the bill, the fact that a presymptomatic or predictive genetic test had been ordered and conducted and the results of that test would be privileged and confidential. All reports, records, and data pertaining to genetic testing or other genetic information also would be privileged and confidential. Except as otherwise provided by law, a person or health facility or agency could not disclose that a test had been ordered or conducted, or the test results, for purposes other than treatment, payment, or health care operations as provided under the Health Insurance Portability and Accountability Act (HIPAA), without first obtaining written authorization from the test subject or his or her legally authorized representative.

If a test subject consented to the performance of a genetic test for the sole purpose of assisting in the recovery or identification of human remains from a disaster or assisting in the identification of living or deceased missing people by matching forensic DNA profiles in the event of an emergency or disaster, those results, as well as the DNA profiles, could be disclosed and used only for those identification purposes. They would not be public records, subject to court subpoena, or discoverable in a legal proceeding. Consent provided for testing and DNA profiling for these purposes would not be consent for secondary research using those results or DNA profiles or any other use except for the identification of living or deceased missing people.

MCL 333.16221 et al.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 4-21-06

Fiscal Analyst: David Fosdick