

PROBATE CODE OF 1939 (EXCERPT)
Act 288 of 1939

712.13 Information obtained from genetic testing; disclosure of information; retention or destruction of genetic testing material; records; verification of compliance of contracting laboratory; audit; violation as misdemeanor; penalty.

Sec. 13. (1) Except as authorized under this chapter, a person shall not disclose information obtained from genetic testing that is authorized under this chapter.

(2) If a party who is tested as part of an action under this chapter is found to be the child's biological parent, the contracting laboratory shall retain the genetic testing material of the parent and the child for no longer than the period of years prescribed by the national standards under which the laboratory is accredited. If a party is found not to be the child's biological parent, the contracting laboratory shall destroy the party's genetic testing material after it is used in the action, in compliance with section 13811 of the public health code, 1978 PA 368, MCL 333.13811, and in the presence of a witness. The witness may be an individual who is a party to the destruction of the genetic testing material. After the genetic testing material is destroyed, the contracting laboratory shall make and keep a written record of the destruction and have the individual who witnessed the destruction sign the record. The contracting laboratory shall also expunge the contracting laboratory's records regarding the genetic testing performed on the genetic testing material in accordance with the national standards under which the laboratory is accredited. The contracting laboratory shall retain the genetic testing material of the child for no longer than the period of years prescribed by the national standards under which the laboratory is accredited. After a contracting laboratory destroys an individual's genetic testing material as provided in this subsection, it shall notify the adult individual, or the parent or legal guardian of a minor individual, by certified mail that the genetic testing material was destroyed.

(3) A contracting laboratory or another entity involved with the genetic testing are all required to protect the confidentiality of genetic testing material, except as required for a paternity or maternity determination under this chapter. The court and its officers shall not use or disclose genetic testing material for a purpose other than the paternity or maternity determination as authorized by this chapter.

(4) A person shall not sell, transfer, or offer genetic testing material obtained under this chapter except as authorized by this chapter.

(5) A contracting laboratory shall annually cause to be conducted an independent audit verifying the contracting laboratory's compliance with this section and sections 11 and 12 of this chapter. The audit shall not disclose the names of, or otherwise identify, the test subjects required to submit to blood or tissue typing or DNA identification profiling under section 11 of this chapter during the previous year. The contracting laboratory shall forward the audit to the department of consumer and industry services.

(6) A violation of this section is a misdemeanor punishable by a fine of not more than \$5,000.00. A second or subsequent violation of this section is a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$10,000.00, or both.

History: Add. 2000 Act 232, Eff. Jan. 1, 2001.

Compiler's note: Enacting section 1 of Act 232 of 2000 provides:

"Enacting section 1. Section 19b of chapter XIII A of the probate code of 1939, 1939 PA 288, MCL 712A.19b, as amended by this amendatory act, and chapter XII of the probate code of 1939, 1939 PA 288, as added by this amendatory act, do not apply to a proceeding that arises before the effective date of this amendatory act."

Popular name: Baby Abandonment

Popular name: Baby Drop Off