A bill for an act

relating to consumer protection; requiring certain disclosures for direct-to-consumer genetic testing; proposing coding for new law in Minnesota Statutes, chapter 325F.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[325F.786] DIRECT-TO-CONSUMER GENETIC TESTING.**

Subdivision 1. **Disclosure.** A person who provides a specimen collection kit to a resident of Minnesota for the purpose of collecting genetic material to perform a genetic test must first provide the resident with the following disclosure:

"IMPORTANT NOTICE ON GENETIC TESTING: Some genetic tests lack scientific validity, and others provide medical results that are meaningful only in the context of a full medical evaluation. Due to the complexities involved in both the testing and interpretation of the results of genetic testing, genetic tests should be performed in a specialized laboratory and the results should be interpreted by a medical provider or trained counselor who understands the value of genetic testing for a particular situation. A medical provider or trained genetic counselor should be consulted prior to making medical decisions based on the results of a genetic test."

For the purposes of this section, a resident of Minnesota does not include a provider, as defined in section 144.291, subdivision 2, paragraph (h), who requests a genetic test in the course of delivering health care services to a patient.

Subd. 2. **Jurisdiction; service of process.** A person who provides a specimen collection kit to a resident of Minnesota for the purpose of collecting genetic material, performs a genetic test on a specimen collected in the state of Minnesota, or provides test results to a resident of Minnesota, is deemed to have consented to service of process in

this state for purposes of section 5.25, subdivision 4, or other applicable law and to the jurisdiction of courts in this state for actions involving a violation of this section or for the recovery of remedies permitted by this section.

Subd. 3. **Definitions.** For the purposes of this section, the following terms have the meanings given:

(1) "genetic characteristic" means a gene, chromosome, or alteration thereof, that may be identified to determine the risk or existence of a disease, disorder, trait, propensity or syndrome, or to identify an individual or biological relative of an individual. "Genetic characteristic" does not include family history or inherited characteristics for which the existence or identity is determined through a method other than a genetic test; and

(2) "genetic test" means a test for determining the presence or absence of genetic characteristics in an individual or the individual's biological relatives, including tests of nucleic acids, such as deoxyribonucleic acid (DNA), ribonucleic acid (RNA), and mitochondrial DNA, chromosomes, or proteins.