

A bill for an act

relating to genetic material; creating a property interest in human biological specimens and limiting the use of such specimens; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Section 1. **[144.281] USE OF HUMAN BIOLOGICAL SPECIMENS.**

(a) For purposes of this section, "human biological specimen" means human tissue, fluids, organs, and any other human body part from which deoxyribonucleic acid (DNA) may be isolated.

(b) A human biological specimen is the property of the person from whom it was taken.

(c) A human biological specimen taken from a person for the purpose of diagnosis and medical treatment shall not be stored, shared, or used for any purpose other than diagnosis or treatment of the individual from whom the specimen was taken. A human biological specimen may not be used for medical or genetic research without the written, informed consent of the person from whom the specimen was taken, or from that person's parent or guardian if the person is a minor.

(d) A human biological specimen may be used to calibrate laboratory equipment provided that no new information on the individual is collected or retained from the calibration without the individual's consent. Unless the person from whom a specimen was collected has given written, informed consent for long-term retention of his or her human biological specimen, or consent to use the specimen for ongoing calibration of laboratory equipment, the human biological specimen must be destroyed within 30 days after analysis and use of the specimen for diagnosis and medical treatment.

2.1 (e) In order to conduct research on human biological specimens, a person must have
2.2 the written, informed consent of the individual from whom the specimen was collected,
2.3 or from that individual's parent or guardian. Consent forms for research must provide at
2.4 least the following three consent options:

2.5 (1) consent for use of a human biological specimen for a specific research project;

2.6 (2) consent for use of a human biological specimen for future research projects
2.7 that are yet undefined; and

2.8 (3) consent for use of a human biological specimen for future research projects that
2.9 are yet undefined, contingent on the research entity returning to seek specific written,
2.10 informed consent for research that is or could be considered controversial.