

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/21/97

A Bill

HOUSE BILL 2011

4
5 By: Representative Ferguson

For An Act To Be Entitled

9 "AN ACT CONCERNING GENETIC TESTING; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "AN ACT CONCERNING GENETIC TESTING."

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 SECTION 1. Genetic testing - informed consent - confidentiality.

19 (a) As used in this section, the term "DNA analysis" means the medical
20 and biological examination and analysis of a person to identify the presence
21 and composition of genes of that person's body. The term includes DNA typing
22 and genetic testing.

23 (b)(1) Except as otherwise provided in this subdivision (b)(1), DNA
24 analysis may be performed only with the informed consent of the person to be
25 tested, and the results of such DNA analysis, whether held by a public or
26 private entity, are confidential and may not be disclosed without the consent
27 of the person tested. This subdivision (b)(1) shall not apply to DNA analysis
28 for the following purposes:

29 (A) criminal prosecution;

30 (B) criminal investigation by a law enforcement agency;

31 (C) determination of paternity;

32 (D) acquiring specimens, as may be required by law, from
33 persons convicted of certain offenses; and

34 (E) anonymous research where the identity of the subject
35 will not be released.

36 (2) The information held by a public entity is exempt from the

1 provisions of the Freedom of Information Act, § 25-19-101 et seq.

2 (3) A person who violates this subsection (b) is guilty of a Class
3 A misdemeanor.

4 (c) DNA analysis shall not be used in any decision to grant or deny any
5 insurance, employment, mortgage, loan, credit, or educational opportunity.

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7 SECTION 2. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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/s/Rep. Ferguson

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