

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/20/01

A Bill

SENATE BILL 764

5 By: Senator Gullett
6 By: Representative Dees
7

For An Act To Be Entitled

10 AN ACT TO PROHIBIT THE DISCLOSURE OF GENETIC
11 RESEARCH STUDIES; AND FOR OTHER PURPOSES.

Subtitle

14 AN ACT TO PROHIBIT THE DISCLOSURE OF
15 GENETIC RESEARCH STUDIES.

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

20 SECTION 1. This act shall be known and may be cited as the "Genetic
21 Research Studies Nondisclosure Act".

23 SECTION 2. For purposes of the Genetic Research Studies Nondisclosure
24 Act, "genetic research study or studies" shall mean those genetic research
25 studies approved by an institutional review board as defined in 21 C.F.R., Act
26 50 as existed in January 1, 2001, or conducted subject to the requirements of
27 the federal common rule at 21 C.F.R., Act 50 and Act 56, and 45 C.F.R., Act 46
28 as existed on January 1, 2001.

30 SECTION 3. (a) No research records of individual subjects in genetic
31 research studies shall be:

32 (1) Subject to subpoena or discovery in civil suits, except in
33 cases where the information in the records is the basis of the suit; or

34 (2) Disclosed to employers or health insurers without the
35 informed, written consent of the individual.

36 (b)(1) All stored tissues, including blood, that arise from surgery,

1 other diagnostic or therapeutic steps, or autopsy may be disclosed for genetic
2 or other research studies, if:

3 (A) The patient's name or social security number is not attached to or
4 included with the specimen; or

5 (B) The patient's name or social security number is attached to or
6 included with the specimen and the patient has given informed written consent
7 to the disclosure.

8 (2) Informed written consent shall not be included in a section
9 of the consent for treatment, admission to a hospital or clinic, or permission
10 for an autopsy.

11 (c)(1) It shall be permissible to publish or otherwise use the results
12 of genetic research studies for research or educational purposes if no
13 individual subject is identified.

14 (2) If specific informed consent from the individual has been
15 obtained in writing, the individual may be identified.

16 */s/ Gullett*

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