



Reprinted  
February 1, 2000

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## SENATE BILL No. 379

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DIGEST OF SB 379 (Updated January 31, 2000 5:35 PM - DI 88)

**Citations Affected:** IC 16-18; IC 16-36; noncode.

**Synopsis:** Isolation, possession, and use of DNA. Provides that an individual owns the individual's DNA. Requires a person who draws an individual's DNA for the purpose of isolating, possessing, or using the DNA to provide certain information and obtain consent for the isolation, possession, or use. Requires a person to obtain written consent from an individual before using the individual's DNA for a specific purpose. Requires the state department of health to develop and make available a consent form for use by persons drawing an individual's DNA in order to isolate, possess, or use the DNA. Makes certain exceptions.

**Effective:** Upon passage; July 1, 2000.

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### Miller

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January 10, 2000, read first time and referred to Committee on Health and Provider Services.  
January 27, 2000, amended, reported favorably — Do Pass.  
January 31, 2000, read second time, amended, ordered engrossed.

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Reprinted  
February 1, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

## SENATE BILL No. 379

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-69 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 69. (a) "Consent", for  
3 purposes of IC 16-34, means a written agreement to submit to an  
4 abortion:

5 (1) after the consenting party has had a full explanation of the  
6 abortion procedure to be performed, including disclosures and  
7 information required by IC 16-34-2-1.1; and

8 (2) as evidenced by the signature of the consenting party on a  
9 consent form prescribed by the state department of health.

10 (b) "Consent", for purposes of IC 16-36-6, has the meaning set  
11 forth in IC 16-36-6-1(a).

12 SECTION 2. IC 16-18-2-98.9 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2000]: Sec. 98.9. "DNA", for purposes of  
15 IC 16-36-6, has the meaning set forth in IC 16-36-6-1(b).

16 SECTION 3. IC 16-36-6 IS ADDED TO THE INDIANA CODE AS  
17 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

SB 379—LS 6429/DI 97+



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1, 2000]:

2 **Chapter 6. Consent to Drawing and Use of DNA**

3 **Sec. 1. (a) As used in this chapter, "consent" means a written**  
4 **agreement to allow an individual's DNA to be drawn in order to be**  
5 **isolated and used for a specific purpose after the consenting party**  
6 **has:**

7 (1) received a full explanation of the specific use, storage,  
8 disposal, confidentiality provisions, and costs; and

9 (2) signed a consent form prescribed by the state department.

10 (b) As used in this chapter, "DNA" refers to deoxyribonucleic  
11 acid. DNA is located in the nucleated cells and provides an  
12 individual's personal genetic blueprint. DNA encodes genetic  
13 information that is the basis of human heredity and forensic  
14 identification.

15 **Sec. 2. An individual owns the individual's DNA.**

16 **Sec. 3. This chapter does not apply to the:**

17 (1) uses of DNA contained in the Indiana DNA database  
18 described in IC 10-1-9;

19 (2) use of nonidentifying data generated by a laboratory  
20 conducting DNA analysis described in IC 20-12-34.5;

21 (3) use of results of forensic DNA analysis in a criminal trial  
22 or hearing under IC 35-37-4-13; or

23 (4) use of forensic DNA analysis by a law enforcement agency  
24 in the exercise of the law enforcement agency's investigative  
25 function.

26 **Sec. 4. A person who draws an individual's DNA for the purpose**  
27 **of isolating the individual's DNA for any purpose shall:**

28 (1) inform the individual of the drawing of DNA from the  
29 individual; and

30 (2) obtain consent from the individual for the drawing of the  
31 individual's DNA.

32 **Sec. 5. A person who draws an individual's DNA for the purpose**  
33 **of isolating the individual's DNA under section 4 of this chapter**  
34 **may not provide:**

35 (1) the DNA; or

36 (2) any information regarding the DNA, including the  
37 existence of the DNA;

38 to any other person without the individual's consent.

39 **Sec. 6. A person who possesses an individual's DNA may not use**  
40 **the DNA for any purpose unless the person:**

41 (1) informs the individual that the person possesses the  
42 individual's DNA;



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**(2) informs the individual regarding the specific use and specific purpose of the use of the DNA; and**  
**(3) obtains written consent from the individual for the specific use of the DNA.**

**Sec. 7. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class A misdemeanor.**

**SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The state department of health shall, in accordance with IC 16-36-6, as added by this act, and before July 1, 2000, develop, and make available a consent form to be used by a person who draws an individual's DNA for the purpose of isolating, possessing, or using the DNA.**

**(b) This SECTION expires July 1, 2001.**

**SECTION 5. An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 379, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-69 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 69. (a) "Consent", for purposes of IC 16-34, means a written agreement to submit to an abortion:

- (1) after the consenting party has had a full explanation of the abortion procedure to be performed, including disclosures and information required by IC 16-34-2-1.1; and
- (2) as evidenced by the signature of the consenting party on a consent form prescribed by the state department of health.

**(b) "Consent", for purposes of IC 16-36-6, has the meaning set forth in IC 16-36-6-1(a).**

SECTION 2. IC 16-18-2-98.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 98.9. "DNA", for purposes of IC 16-36-6, has the meaning set forth in IC 16-36-6-1(b).**"

Page 1, line 4, delete "Collection" and insert "**Isolation**".

Page 1, line 6, delete "collected" and insert "**isolated**".

Page 1, delete lines 16 through 17.

Page 2, delete lines 1 through 2.

Page 2, line 8, delete "or".

Page 2, line 10, delete "." and insert "; **or**

**(4) use of forensic DNA analysis by a law enforcement agency in the exercise of the law enforcement agency's investigative function.**"

Page 2, line 11, delete "collects" and insert "**isolates**".

Page 2, line 17, delete "collects" and insert "**isolates**".

Page 2, line 18, delete "3" and insert "**4**".

Page 2, line 36, delete "collects" and insert "**isolates**".

Page 2, line 38, delete "July 1, 2000" and insert "**July 1, 2001**".

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 379 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 379 be amended to read as follows:

Page 2, line 2, delete "Isolation" and insert "**Drawing**".

Page 2, line 4, after "be" insert "**drawn in order to be**".

Page 2, line 25, delete "isolates DNA from an individual" and insert "**draws an individual's DNA for the purpose of isolating the individual's DNA**".

Page 2, line 27, delete "collection" and insert "**drawing**".

Page 2, line 29, delete "collection" and insert "**drawing**".

Page 2, line 29, after "of the" insert "**individual's**".

Page 2, line 31, delete "isolates DNA from an individual" and insert "**draws an individual's DNA for the purpose of isolating the individual's DNA**".

Page 3, line 8, delete "isolates," and insert "**draws an individual's DNA for the purpose of isolating, possessing, or using the DNA.**".

Page 3, delete line 9.

(Reference is to SB 379 as printed January 28, 2000.)

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