

HOUSE BILL REPORT

ESSB 5207

As Passed House - Amended:

March 5, 2002

Title: An act relating to individually identifiable DNA testing information.

Brief Description: Regulating DNA testing.

Sponsors: By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Franklin and Kohl-Welles).

Brief History:

Committee Activity:

Health Care: 2/22/02, 2/28/02 [DPA].

Floor Activity:

Passed House - Amended: 3/5/02, 97-0.

Brief Summary of Engrossed Substitute Bill

(As Amended by House)

- Includes a patient's identified health related DNA information as confidential health care information that cannot be disclosed without the patient's consent except as provided by law.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass as amended. Signed by 11 members: Representatives Cody, Chair; Schual-Berke, Vice Chair; Campbell, Ranking Minority Member; Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Staff: John Welsh (786-7133).

Background:

The state Uniform Health Care Information Act provides for the confidentiality of the health care information of a patient contained in the records of treating health care providers. The law also provides procedures for patients requesting access to their own health care information. A patient's confidential information may not be disclosed without patient consent, but exceptions are provided in specified circumstances. These circumstances include internal administrative requirements such as quality assurance, peer

review, legal, financial, actuarial services, and audits. Health care information may also be used in a research project monitored by an institutional review board with safeguards protecting the information and the identity of a patient.

Health care information includes any information, whether oral or recorded, that identifies a patient and directly relates to the patient's health care. There is no specific reference to a patient's DNA or deoxyribonucleic acid, a component of human body cells unique to an individual.

Summary of Amended Bill:

A patient's identified DNA relating directly to the patient's health is specified as confidential health care information that cannot be disclosed without the consent of the patient except as provided by law.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Striking amendment) There are concerns with the inappropriate disclosure of personally identified DNA information which could lead to discrimination in a number of circumstances such as insurance or employment. Health related DNA should be considered confidential.

Testimony Against: None.

Testified: (Neutral) Don Sloma, State Board of Health.

(Support striking amendment) Representative O'Brien; Ken Bertrand, Group Health; and Vicki Austin, Washington Biotech and Biomedical Association.