



House of Representatives

General Assembly

File No. 778

January Session, 2009

Substitute House Bill No. 6598

House of Representatives, April 21, 2009

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE RELEASE OF BIOLOGIC MATERIAL FOR GENETIC TESTING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) For purposes of this
2 section: (1) "Biologic material" means blood or other tissue suitable for
3 DNA (deoxyribonucleic acid) analysis or testing; and (2) "next of kin"
4 means (A) a spouse; (B) an adult child; (C) a parent; (D) an adult
5 sibling; or (E) a grandparent.

6 (b) Upon receiving the written consent of a deceased person's next
7 of kin, the Office of the Chief Medical Examiner shall release biologic
8 material of the deceased person to a clinical laboratory, licensed in
9 accordance with the provisions of section 19a-30 of the general
10 statutes, for the purpose of determining paternity or for the purpose of
11 determining a diagnosis of a life-threatening illness in a living
12 individual.

13 (c) In any case where a deceased person's next of kin does not

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill codifies current practice related to the release of biologic material for purposes of determining paternity or diagnosing genetic disorders of living, related individuals and does not result in a fiscal impact.

The Out Years

None

Sources: 3/6/09 Public Hearing Testimony

OLR Bill Analysis**sHB 6598*****AN ACT CONCERNING THE RELEASE OF BIOLOGIC MATERIAL FOR GENETIC TESTING.*****SUMMARY:**

This bill allows, in limited circumstances, the testing of biologic material of a deceased person for purposes of determining paternity or a diagnosis of a life threatening illness in a living individual. "Biologic material" means blood or other tissues suitable for DNA analysis.

The bill allows the Office of the Chief Medical Examiner to release biologic material of the deceased person to a licensed clinical laboratory for such testing after obtaining written consent from the deceased person's next of kin. It defines "next of kin" as the deceased person's spouse, adult child, adult sibling, or grandparent.

The bill allows an interested person to petition the Superior Court for the judicial district in which the death occurred for an order for release of biologic material in any case where the next of kin does not give written consent. After due consideration of the equities involved, the court can enter an order for release of the biologic material only to a licensed clinical laboratory. The laboratory may release the results of any analysis or testing to the petitioner, subject to applicable state and federal law. The petitioner must pay all reasonable testing and analysis costs.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Clinical Laboratory***

By law, a "clinical laboratory" is any facility or other area used for microbiological, serological, chemical, hematological,

immuno-hematological, biophysical, cytological, pathological, or other examinations of human body fluids, secretions, excretions, or excised or exfoliated tissues, for the purpose of providing information for the diagnosis, prevention, or treatment of any human disease or impairment, for the assessment of human health; or for the presence of drugs, poisons, or other toxicological substances (CGS § 19a-30).

The Department of Public Health licenses clinical laboratories.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Change of Reference

Yea 29 Nay 0 (03/13/2009)

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (04/03/2009)