

1.1 Senator ..... moves to amend S.F. No. 1138 as follows:

1.2 Page 2, line 13, after "affirmative" insert "written"

1.3 Page 2, line 14, after "prominent" insert "written"

1.4 Page 2, line 30, after "trust" insert "sole proprietorship, other entity" and delete "legal"

1.5 Page 2, after line 30, insert:

1.6 "(j) "Service provider" means a person that is involved in the collection, transportation,  
1.7 analysis of, or any other service in connection with, a consumer's biological sample, extracted  
1.8 genetic material, or genetic data on behalf of the direct-to-consumer genetic testing company,  
1.9 or on behalf of any other person that collects, uses, maintains, or discloses biological samples,  
1.10 extracted genetic material, or genetic data collected or derived from a direct-to-consumer  
1.11 genetic testing product or service, or is directly provided by a consumer, or the delivery of  
1.12 the results of the analysis of the biological sample, extracted genetic material, or genetic  
1.13 data."

1.14 Page 3, line 9, after the first "consumer's" insert "express"

1.15 Page 4, line 9, delete "written" and insert "express"

1.16 Page 4, line 10, after the period, insert "Any consent under this paragraph must clearly  
1.17 identify the recipient of the consumer's genetic data proposed to be disclosed."

1.18 Page 4, after line 10, insert:

1.19 "(c) A company that is subject to the requirements described in paragraph (a), clause  
1.20 (2), shall provide effective mechanisms, without any unnecessary steps, for a consumer to  
1.21 revoke any consent of the consumer or all of the consumer's consents after a consent is  
1.22 given, including at least one mechanism which utilizes the primary medium through which  
1.23 the company communicates to the consumer. If a consumer revokes a consent provided  
1.24 pursuant to paragraph (a), clause (2), the company shall honor the consumer's consent  
1.25 revocation as soon as practicable, but not later than 30 days after the consumer revokes  
1.26 consent. The company shall destroy a consumer's biological sample within 30 days of receipt  
1.27 of revocation of consent to store the sample.

1.28 "(d) A direct-to-consumer genetic testing company must provide a clear and complete  
1.29 notice to a consumer that the consumer's deidentified data may be shared with or disclosed  
1.30 to third-parties for research purposes in accordance with Code of Federal Regulations, title  
1.31 45, part 46.

2.1 Subd. 3. Service provider agreements. (a) A contract between the company and a  
2.2 service provider must prohibit the service provider from retaining, using, or disclosing any  
2.3 biological sample, extracted genetic material, genetic data, or any information regarding  
2.4 the identity of the consumer, including whether that consumer has solicited or received  
2.5 genetic testing, as applicable, for any purpose other than for the specific purpose of  
2.6 performing the services specified in the service contract. The mandatory prohibition set  
2.7 forth in this subdivision requires a service contract to include, at minimum, the following  
2.8 provisions:

2.9 (1) a provision prohibiting the service provider from retaining, using, or disclosing the  
2.10 biological sample, extracted genetic material, genetic data, or any information regarding  
2.11 the identity of the consumer, including whether that consumer has solicited or received  
2.12 genetic testing, as applicable, for any purpose other than providing the services specified  
2.13 in the service contract; and

2.14 (2) a provision prohibiting the service provider from associating or combining the  
2.15 biological sample, extracted genetic material, genetic data, or any information regarding  
2.16 the identity of the consumer, including whether that consumer has solicited or received  
2.17 genetic testing, as applicable, with information the service provider has received from or  
2.18 on behalf of another person or persons, or has collected from its own interaction with  
2.19 consumers or as required by law.

2.20 (b) A service provider subject to this subdivision is subject to the same confidentiality  
2.21 obligations as a direct-to-consumer genetic testing company with respect to all biological  
2.22 samples, extracted genetic materials, and genetic material, or any information regarding the  
2.23 identity of any consumer in the service provider's possession."

2.24 Renumber the subdivisions in sequence