

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

544T0290

## HOUSE BILL NO. 1260

Introduced by: Representatives Hubbel, Jensen, Magstadt, Nelson (Stace), Olson (Betty),  
Schaefer, and Venner and Senators Begalka and Maher

1 FOR AN ACT ENTITLED, An Act to repeal the authority the director of the Division of  
2 Insurance has to promulgate rules governing use of genetic information and to enact certain  
3 provisions regarding the use of genetic information.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 58-18-87 be repealed.

6 ~~—58-18-87. The director may promulgate rules pursuant to chapter 1-26 pertaining to the use~~  
7 ~~of genetic information, whether the genetic information was derived from a genetic test or from~~  
8 ~~another source, as it relates to group health benefit plans.~~

9 Section 2. All DNA, genetic information, or results of any genetic test, as related to health  
10 benefit plans, are the sole property of the person from whom it was derived. DNA, genetic  
11 information, or test results may only be used or acquired with the permission of the person  
12 tested or, if the person is under age eighteen, with the permission of a parent or legal guardian.  
13 DNA, genetic information, or test results may not be sold or given to any federal or state agency,  
14 any data bank for storage, or be used for research unless the person gives written informed  
15 consent after the intent of the test and use of the results is specifically explained.



1 Any request for DNA, genetic information, or test results from a person shall relate the  
2 specific purpose to which the information is being acquired, how long and where the  
3 information will be stored, who will have access to the information, and what tests may be done  
4 on the sample. All requests for genetic information or DNA shall clearly state that it is for the  
5 purpose of a DNA analysis and may not be called a dried blood spot test.