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13-60-102 Definitions.

As used in this chapter:

- (1) "Biological sample" means any human material known to contain DNA, including tissue, blood, urine, or saliva.
- (2) "Consumer" means an individual who is a resident of the state.
- (3) "Deidentified data" means data that:
 - (a) cannot reasonably be linked to an identifiable individual; and
 - (b) possessed by a company that:
 - (i) takes administrative and technical measures to ensure that the data cannot be associated with a particular consumer;
 - (ii) makes a public commitment to maintain and use data in deidentified form and not attempt to reidentify data; and
 - (iii) enters into legally enforceable contractual obligation that prohibits a recipient of the data from attempting to reidentify the data.
- (4) "Direct-to-consumer genetic testing company" or "company" means an entity that:
 - (a) offers consumer genetic testing products or services directly to consumers; or
 - (b) collects, uses, or analyzes genetic data that a consumer provides to the entity.
- (5) "DNA" means deoxyribonucleic acid.
- (6) "Express consent" means a consumer's affirmative response to a clear, meaningful, and prominent notice regarding the collection, use, or disclosure of genetic data for a specific purpose.
- (7)
 - (a) "Genetic data" means any data, regardless of format, concerning a consumer's genetic characteristics.
 - (b) "Genetic data" includes:
 - (i) raw sequence data that result from sequencing all or a portion of a consumer's extracted DNA;
 - (ii) genotypic and phenotypic information obtained from analyzing a consumer's raw sequence data; and
 - (iii) self-reported health information regarding a consumer's health conditions that the consumer provides to a company that the company:
 - (A) uses for scientific research or product development; and
 - (B) analyzes in connection with the consumer's raw sequence data.
 - (c) "Genetic data" does not include deidentified data.
- (8) "Genetic testing" means:
 - (a) a laboratory test of a consumer's complete DNA, regions of DNA, chromosomes, genes, or gene products to determine the presence of genetic characteristics of the consumer; or
 - (b) an interpretation of a consumer's genetic data.