

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1254

Short Title: DNA-Felony Samples/Scientific Research.

(Public)

Sponsors: Representative Miller.

Referred to: Science and Technology, if favorable, Finance.

April 24, 2003

A BILL TO BE ENTITLED

AN ACT TO CREATE A DNA DATABANK IN THE DEPARTMENT OF
COMMERCE FOR SCIENTIFIC RESEARCH AND STUDY USING THE DNA
SAMPLES GATHERED FROM THE STATE BUREAU OF INVESTIGATION
DNA DATABASE AND DATABANK, PROVIDED THE SAMPLES ARE
STRIPPED OF PERSONAL IDENTIFYING INFORMATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of Chapter 143B of the General Statutes is amended
by adding a new Part to read:

"Part 19. DNA Database and Databank for Scientific Research.

"§ 143B-272.90. DNA database established for scientific research.

(a) The Department of Commerce shall establish a DNA database for the recording of DNA data and related medical records compiled from DNA samples in the DNA database and databank established under Article 13 of Chapter 15A of the General Statutes. The DNA database established under this Part shall be used only for the purposes authorized in this Part. The DNA samples obtained by the Department of Commerce from the State Bureau of Investigation shall be stored in a location to be determined by the Department of Commerce. The DNA data and related medical records stored in the database established under this Part shall be stripped of all information that would personally identify the individual submitting the data.

(b) The DNA database must be capable of classifying, matching, and storing the results of analyses of DNA and other biological molecules.

(c) The DNA database may contain DNA records and related medical records of individuals whose DNA samples have been obtained in compliance with the provisions of Article 13 of Chapter 15A of the General Statutes. The Department of Commerce may receive, analyze, and store a record, blood sample, or other specimen for the purposes described in subsection (d) of this section.

(d) The principal purpose of the DNA database established under this Part is to advance scientific study of the links between genetics and common diseases in order to

1 improve diagnosis and treatment of the diseases, provided that DNA samples and
2 related medical records may only be stored in the database if all personal identifying
3 information is removed. The information contained in the database may not be
4 collected, analyzed, or stored to obtain information about human physical traits or
5 predisposition for disease unless the purpose for obtaining the information is authorized
6 by this subsection.

7 (e) The Department of Commerce may publish educational materials on the
8 DNA database for dissemination to the general public. The materials shall describe the
9 purposes for which data in the database will be used, who will have access to the
10 database, the confidential nature of samples in the database, and other information.

11 **"§ 143B-272.91. Collection of DNA samples.**

12 (a) The Department of Commerce shall adopt rules establishing procedures for
13 the collection, preservation, analysis, and use of blood samples or other specimens in a
14 manner that permits the exchange of DNA samples between DNA laboratories and the
15 use of the data for the purposes authorized under this section.

16 (b) The Department of Commerce may conduct DNA analyses or contract with a
17 laboratory, other State agency, private entity, or institution of higher education for
18 services to perform DNA analyses.

19 (c) A DNA laboratory may analyze a blood sample collected under this section
20 or other DNA specimen only for the purposes authorized under this section.

21 **"§ 143B-272.92. Access to DNA database information.**

22 (a) The Department of Commerce shall adopt rules:

23 (1) To prevent unauthorized access to the DNA database.

24 (2) To release DNA records, specimens, or analyses from the DNA
25 database for authorized purposes.

26 (3) Relating to the internal disclosure of, access to, or use of a sample,
27 specimen, or DNA record in the Department of DNA laboratory.

28 (b) The Department of Commerce may release a DNA sample, analysis, or
29 record only if personally identifiable information is removed for:

30 (1) A population statistics database.

31 (2) Identification research and protocol development.

32 (3) Quality control.

33 (c) The Department of Commerce may release a record of the number of requests
34 made for a DNA record and the name of the requesting person. The Department shall
35 maintain a record of requests made under this section.

36 **"§ 143B-272.93. Confidentiality of DNA records.**

37 (a) A DNA record stored in the DNA database is confidential and is not subject
38 to disclosure except for the purposes authorized in this Part.

39 (b) A person who knowingly discloses information in a DNA record or
40 information related to a DNA analysis of a blood specimen except as authorized by this
41 Part is guilty of a Class 1 misdemeanor.

42 (c) A violation of this section constitutes official misconduct.

43 **"§ 143B-272.94. Segregation of records.**

1 The Department of Commerce shall adopt rules providing for the segregation of
2 DNA records created under this Part from records created under Article 13 of Chapter
3 15A of the General Statutes.

4 **"§ 143B-272.95. Fees.**

5 The Department of Commerce may charge a reasonable fee for providing population
6 statistics data or other research data as authorized by this Part. The Department shall
7 charge to North Carolina-based biotechnology corporations and research institutions an
8 equal portion of the cost to store and retrieve information in the database. The annual
9 fee for each biotechnology corporation or research institution shall be twenty-five
10 thousand dollars (\$25,000) for the first year of operating the database. Thereafter, the
11 charge to each corporation or research institution shall be based on the actual cost of
12 maintaining the system, divided by the number of biotechnology corporations and
13 research institutions that represents one-half of the total number of biotechnology
14 corporations and research institutions in the State.

15 **"§ 143B-272.96. Definitions.**

16 The following definitions apply in this Part, unless the context clearly requires
17 otherwise:

- 18 (1) 'Database' or 'DNA database' means the DNA database established
19 under this Part for the recording of DNA samples and related medical
20 records.
21 (2) 'DNA' means deoxyribonucleic acid.
22 (3) 'DNA record' means DNA identification information stored in the
23 DNA database for the purposes stated in this Part.
24 (4) 'DNA sample' means a blood sample or other specimen taken from the
25 DNA database or databank established under Article 13 of Chapter
26 15A of the General Statutes."

27 **SECTION 2.** G.S. 15A-266.8 is amended by adding a new subsection to
28 read:

29 "(d) The Department of Commerce shall share and use the information from this
30 database as provided under Part 19 of Article 10 of Chapter 143B of the General
31 Statutes."

32 **SECTION 3.** There is appropriated from the General Fund to the
33 Department of Commerce the sum of three hundred thousand dollars (\$300,000) for the
34 2003-2004 fiscal year and the sum of three hundred thousand dollars (\$300,000) for the
35 2004-2005 fiscal year. These funds shall be used to establish the DNA database in
36 accordance with Section 1 of this act. If the amount appropriated under this section
37 exceeds the cost of implementing the DNA database, then the amount that exceeds the
38 implementation costs shall be transferred by the State Controller to the Department of
39 Justice to assist with the costs of the DNA database and databank established under
40 Article 13 of Chapter 15A of the General Statutes.

41 **SECTION 4.** Section 1 of this act becomes effective only if funds are
42 appropriated to implement this act. The remainder of this act becomes effective July 1,
43 2003.