STATE OF NEW YORK

3867

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. DICKENS, BARRON, CAHILL, HYNDMAN, GLICK, PICHARDO, SMULLEN, SIMON, RICHARDSON, EPSTEIN, ABINANTI -- Multi-Sponsored by -- M. of A. GALEF -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to preventing genealogy firms from sharing genetic information of individuals with law enforcement without a signed waiver

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The section heading of section 79-l of the civil rights law, as added by chapter 497 of the laws of 1996, is amended to read as follows:

Confidentiality of records of genetic tests **and information**.

§ 2. Subdivision 1 of section 79-l of the civil rights law is amended by adding three new paragraphs (e), (f) and (g) to read as follows:

(e) "genealogy firm" shall mean any individual, partnership, limited liability company, corporation, joint venture, or any other legal entity which collects biological samples from individuals for the purpose of conducting a genetic analysis and providing such individuals with the results of such genetic analysis.

(f) "genetic analysis" shall mean conducting an analysis of the DNA, chromosomes, genes, or gene products contained within a biological sample in order to identify information about the individual providing such biological sample including, but not limited to, genetic ancestry or a predisposition to any genetic disease or disability.

(g) "genetic information" shall mean a biological sample, or any information derived from a genetic analysis of such biological sample.

§ 3. Section 79-l of the civil rights law is amended by adding a new subdivision 12 to read as follows:

12. Notwithstanding any other provision of law, no genealogy firm or any officer, director, employee, agent or representative of such geneal-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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ogy firm, shall surrender genetic information to law enforcement in response to a warrant, subpoena, or formal or informal request for such genetic information, unless the individual who submitted such genetic information to such genealogy firm signs a waiver explicitly permitting such genetic information to be shared with law enforcement. Notwithstanding any other provision of law, a genealogy firm which refuses to surrender genetic information to law enforcement in compliance with this subdivision shall not be required to pay any fines or face any other penalties for such compliance.

§ 4. This act shall take effect immediately.