

# HOUSE BILL No. 5459

January 14, 1998, Introduced by Rep. Hammerstrom and referred to the Committee on Health Policy.

A bill to grant certain rights to an individual with regard to his or her genetic composition; to provide certain protections for those rights; and to create a civil cause of action.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. (1) An individual has a property right in his or  
2 her genetic composition.

3       (2) An individual may bring a civil action in a court of  
4 competent jurisdiction in this state to protect the property  
5 right granted under subsection (1).

6       Sec. 2. (1) An individual has a right to privacy with  
7 regard to his or her genetic composition. The right to privacy  
8 granted under this subsection is substantially similar to other  
9 privacy rights granted by the courts of this state under the  
10 Michigan constitution of 1963.

1 (2) An individual may bring a civil action in a court of  
2 competent jurisdiction in this state to protect the privacy right  
3 granted under subsection (1), including, but not limited to, an  
4 action in tort for invasion of privacy.

5 Sec. 3. (1) A person shall not use the genetic composition  
6 of an individual for scientific purposes, research purposes,  
7 reproduction purposes, or any other purpose without first obtain-  
8 ing the individual's written consent for that specific use.

9 (2) A person who violates subsection (1) is liable in a  
10 civil action for damages for the amount of actual damages caused  
11 by the violation, plus reasonable attorney fees and court costs.