

HOUSE BILL 777
By Clem

AN ACT amend Tennessee Code Annotated, to create an intellectual property interest in certain DNA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Each citizen of this state is declared to have an intellectual property interest in such person's own deoxyribonucleic acid (DNA). Except as provided in subsection (b), no other person or entity shall have the right to use, manipulate, reproduce or otherwise tamper with a person's DNA for the purpose of cloning, stem cell research or other similar scientific experiments or research without the express written consent of the person whose DNA it is.

(b) Nothing in this act shall be construed to:

(1) Address, prohibit or otherwise change existing law relative to when the DNA of a person may be compelled for the purpose of identifying such person, for storage in a DNA database, or for determining or demonstrating the percentage of the population that would or would not share the same combination of genetic markers as was found in a particular biological specimen containing a person's DNA.

(2) Affect, alter or diminish the extent and circumstances under which DNA and DNA evidence is subject to discovery pursuant to the Tennessee rules of criminal or civil procedure; or

(3) Amend or change the provisions of § 24-7-118, relative to when, how and under what circumstances the results of DNA analysis is admissible in evidence in a civil or criminal proceeding.

(c) Even if a biological specimen containing the DNA of a person has been lawfully obtained or compelled and used for any of the purposes set out in subsection (b), such person does not lose their property interest in such DNA and it cannot be used for any of the purposes set out in subsection (a) without the consent of the person to whom it belongs.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.