

STORAGE NAME: h0003.hcl

DATE: December 28, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3

RELATING TO: Child Identification Program

SPONSOR(S): Representatives Starks and Fasano

COMPANION BILL(S): SB 200(I)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE LICENSING AND REGULATION
- (2) FAMILY LAW AND CHILDREN
- (3) GOVERNMENTAL RULES AND REGULATION
- (4)
- (5)

I. SUMMARY:

HB 3 creates the Child Identification Program or CHIP act of 1999. It provides that it is legislative intent for all health care providers, including hospitals, birthing centers, and physicians to assist parents in obtaining a DNA sample of their child for safekeeping by the parent.

It requires all hospitals and birthing centers to notify the parents of new born babies in such facilities, that the facility is a participant in the CHIP Program and will provide a DNA sample to the parents upon request and payment of a reasonable fee.

No copy or record of any DNA sample provided to a parent shall be maintained by any entity participating in the CHIP program.

All physicians who provide primary care to children born prior to implementation of the CHIP program are encouraged to voluntarily participate and provide DNA samples to parents of such children.

The bill will have no fiscal impact on the State, local government, or the private sector in general.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Currently, there is no established state mandated program that uses DNA as a means of identification of children.

However, with the assistance of the Florida Department of Law Enforcement, a pilot program was recently implemented at Tallahassee Memorial HealthCare. The program offered a DNA sample by providing free blood collection on a special filter paper in the delivery room. The DNA sample was given to the family for future child identification purposes. The Tallahassee program reported very positive feedback from the families that participated.

The use of DNA as a means of identification is a relatively new technology. It is a very exacting and reliable means of determining identification or relationships. Initially, it was used in identification of bodies.

However, recently it has been used in determining the parenthood or relationship of a child to an adult. Each person's DNA is very unique to that person and his or her parents. Based on a DNA sample, it is possible to determine whether or not selected individuals are the parents of a person or whether or not the person is related to a common ancestor.

While there are currently limited programs that use fingerprints or footprints for identification, there is no statewide mandated program for child identification. For instance, many hospitals use a footprint to identify new born babies. In many localities, there are established programs that use a fingerprint and a photograph on ID cards for children. This is usually not done until the child is 3 or 4 years old. While fingerprints can be used to identify a particular individual, fingerprints cannot be used in determining parentage or family relationships.

B. EFFECT OF PROPOSED CHANGES:

The bill creates the Child Identification Program or ChIP act of 1999. It provides that it is legislative intent for all health care providers, including hospitals, birthing centers, and physicians to assist parents in obtaining a DNA sample of their child for safekeeping by the parent.

It requires all hospitals and birthing centers to notify the parents of new born babies in such facilities, that the facility is a participant in the ChIP Program and will provide a DNA sample to the parents upon request and payment of a reasonable fee.

No copy or record of any DNA sample provided to a parent shall be maintained by any entity participating in the ChIP program.

All physicians who provide primary care to children born prior to implementation of the ChIP program are encouraged to voluntarily participate and provide DNA samples to parents of such children.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No. However, the Agency for Health Care Administration may develop procedures to provide uniformity in the collection of blood samples and dissemination of information.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

Yes. Any parent who participates in the CHIP program will be required to pay a reasonable fee for the DNA sample.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes. The parents pay the cost to obtain a DNA sample.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, families have the option to participate in the CHIP program.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

The family. Having a child's DNA sample available will enable parents to better assist law enforcement in finding and identifying a child in the unfortunate event of a child's disappearance or abduction. Also, it will assist in identifying children who may be victims in an accident or natural disaster.

(2) Who makes the decisions?

The family.

(3) Are private alternatives permitted?

The family can decide to not participate in the program.

(4) Are families required to participate in a program?

No.

(5) Are families penalized for not participating in a program?

No.

b. Does the bill directly affect the legal rights and obligations between family members?

Yes. It is possible that one parent would want to participate, while the other parent may not. This decision could affect the relationship between the parents.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

The family decides whether or not to participate in the program.

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

The bill does not affect any present statutes. It creates new statutory language, but does not number the language.

E. SECTION-BY-SECTION RESEARCH:

Section 1. It creates the Child Identification Program or CHIP act of 1999. It provides that it is legislative intent for all health care providers, including hospitals, birthing centers, and physicians to assist parents in obtaining a DNA sample of their child for safekeeping by the parent.

It requires all hospitals and birthing centers to notify the parents of new born babies in such facilities, that the facility is a participant in the ChIP Program and will provide a DNA sample to the parents upon request and payment of a reasonable fee.

No copy or record of any DNA sample provided to a parent shall be maintained by any entity participating in the ChIP program.

All physicians who provide primary care to children born prior to implementation of the ChIP program are encouraged to voluntarily participate and provide DNA samples to parents of such children.

Section 2. It provides an effective date of upon becoming law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

None. It will only impact those parents who chose to participate in the CHIP program.

2. Direct Private Sector Benefits:

Having a child's DNA sample available will enable parents to better assist law enforcement in finding and identifying a child in the unfortunate event of a child's disappearance or abduction. Also, it will assist in identifying children who may be victims in an accident or natural disaster.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. **FISCAL COMMENTS:**

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

The bill only refers to the Board of Medicine for purposes of encouraging licensed physicians to participate in CHIP. Osteopathic physicians also serve as primary care physicians to children and are regulated by the Board of Osteopathic Medicine. Further, the bill does not address children born in route to the hospital or those children born out of state that subsequently move to Florida. As drafted, the bill covers children born prior to the

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effective date of the bill and children born in Florida after the establishment of the CHIP program.

Additionally, the Department of Health pointed out that the CHIP program established in this bill should not be confused with another program with the acronym "CHIP" which stands for Florida's Child Health Insurance Program.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON Health Care Licensing & Regulation:

Prepared by:

Staff Director:

Robert W. Coggins

Lucretia Shaw Collins