# Tennessee

## Newborn Genetic Testing & Surveillance System

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| TN    | STATUTE: T.C., Title 68, Chapter 5 Part 4 and Part 5 (genetic testing) 
RULE: TAR, Chapter 1200-15-1-.01 -.07 | **68-5-401. Testing required – Public policy.** (a) (1) The general assembly declares that, as a matter of public policy of this state and in the interest of public health, every newborn infant shall be tested for phenylketonuria, hypothyroidism, galactosemia and other metabolic/genetic defects that would result in intellectual disability or physical dysfunction as determined by the department, through rules and regulations duly promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and that the people of this state shall be extensively informed as to the nature and effects of such defects. 

**68-5-404. Failure to have child tested — Misdemeanor.** Any person violating the provisions of this part or parts of this chapter or the | **68-5-403. Exemptions for religious beliefs.** Nothing in this part shall be construed to require the testing of or medical treatment for the minor child of any person who files with the department a signed, written statement that such tests or medical treatment conflict with the person's religious tenets and practices, affirmed under penalties of perjury. | 68-5-504. Functions of program — Duties of department…. (b) The department shall: … (9) Develop a reporting system to allow data to be collected and stored and to facilitate the compilation of statistical information on causes, methods of treatment and prevention of genetic disorders and birth defects. The system shall | NO | YES |

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rules promulgated pursuant thereto, relative to testing of newborn infants, commits a Class C misdemeanor.

68-5-502. Establishment of genetics program.  
(a) The department shall establish a statewide genetics program to ensure the availability of genetic services to citizens of the state who need them for the prevention and treatment of mental retardation or other physical dysfunction.  
(b) The program shall include comprehensive genetic services programs, including genetic and metabolic screening programs, genetic counseling services, and other related services that will aid in the prevention and treatment of particular genetic disorders and birth defects or related conditions as determined by the department... [emphasis added]

68-5-504. Functions of program — Duties of department.  
(b) The department shall:  
1) Develop and administer statewide genetic and metabolic screening programs to prevent, detect and assure follow-up for birth defects and genetic disorders. The

shall file with the Department of Health a signed, written statement that such tests or medical treatment conflict with such person’s religious tenets and practices, affirmed under penalties of perjury pursuant to T.C.A. 68-5-403. The newborn screening refusal form provided by the State should be completed and retained in the medical record for the period of time defined by the hospital or provider policy.  
2) Failure to have a child tested for the genetic/metabolic disorders is a Class C misdemeanor. Reporting of hearing screening is not to be construed as mandatory testing, therefore, failure to have a child tested for hearing loss will not be considered a misdemeanor...
screening programs shall include testing for phenylketonuria and hypothyroidism as provided by part 4 of this chapter, testing for sickle cell disease and other hemoglobinopathies and other testing programs as the department shall deem appropriate for the preventive treatment of intellectual disability or physical dysfunction, as publicly noted through rules and regulations…