

LEGISLATIVE UPDATE †

Legislative Update is a comprehensive survey of important federal and state legislation related to high technology that has been passed in 1990. The survey consists of abbreviated summaries of new laws grouped under appropriate topic headings.

Where several states have passed similar legislation, the state summaries are preceded by a brief introduction setting forth common provisions.

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GOVERNMENT PROMOTION OF HIGH TECHNOLOGY DEVELOPMENT

Government Programs

The following acts are designed to promote high technology development.

FEDERAL

State Energy Efficiency Programs Improvement Act of 1990, Pub. L. No. 101-440, § 4(b), 104 Stat. 1006, 1008-09 (codified as amended at 42 U.S.C. § 6322 (1991)).

Among its many provisions, this act provides for federal funding of state programs to assist small and start-up businesses in the energy technology area. The assistance is to include providing information about energy technology production techniques and maintaining a data base of available energy technology experts.

CALIFORNIA

Act approved September 22, 1990, ch. 1230, 1990 Cal. Stat. ____ (codified at CAL. GOVT CODE §§ 15399.30 to 15399.37 and as amended at CAL. GOVT CODE § 15325 (West 1991)).

This act provides for the development of a broad strategic plan for future technological development in California. Elements of the plan include the following:

- (a) providing technical assistance to the private sector in the use of established technologies;
- (b) better educating the private sector and the public in general on technological matters;
- (c) attaining greater access to global markets;
- (d) stimulating new company formation and creating new jobs;
- (e) encouraging high technology industries to focus less on national security and more on commercially orientated programs;
- and
- (f) balancing technological progress with environmental needs.

COLORADO

Act approved April 9, 1990, ch. 177, 1990 Colo. Sess. Laws 1238 (codified at COLO. REV. STAT §§ 24-48-101 to 24-48-105 and as amended at COLO. REV. STAT § 2-3-1203 (1991)).

This act was passed to advance the objectives of the Colorado space initiative. The initiative's goal is to establish Colorado as an internationally recognized center of space-related industry. To

encourage progress toward this goal, the act creates the Colorado Space Advisory Council and the position of the Colorado Space Advocate.

FLORIDA

Act approved July 3, 1990, ch. 90-325, 1990 Fla. Laws 2635 (codified as amended at FLA. STAT. § 229.8053 (1991)).

This act permits the Florida High Technology and Industry Council to create a not-for-profit corporation to support the state's high technology industry. The corporation would coordinate and assist high technology-related activities of other state agencies and assist small disadvantaged manufacturers in obtaining high technology contracts.

HAWAII

Act approved June 8, 1990, ch. 106, 1990 Haw. Sess. Laws 184 (codified as amended at HAW. REV. STAT. §§ 206M-1 to 206M-20 (1991)).

This act establishes a state software service center in order to create a viable, nationally competitive software industry in Hawaii. The center's duties include monitoring the software industry to identify infrastructure and industry deficiencies, organizing partnerships between software companies, academia, and the state government, and producing a plan to establish a center for excellence in software development in Hawaii. The act also provides that the state government give preference to software developed in Hawaii when purchasing.

Act approved June 8, 1990, ch. 110, 1990 Haw. Sess. Laws 194 (codified as amended at HAW. REV. STAT. §§ 211F-1 to 211F-46 (1991)).

This act creates the Hawaii Strategic Development Corporation to stimulate and augment private investment in small businesses, including those involved in high technology. The powers and functions of the corporation include establishing a seed capital assistance program, a venture capital program, and a capital access program. The corporation may also assist small businesses by providing technical, managerial, and marketing advice.

NEW YORK

International Trade and Industrial Competitiveness Act of 1990, ch. 291, 1990 N.Y. Laws ____ (codified at N.Y. ECON. DEV. LAW §§ 224, 225; N.Y. PUB. AUTH. LAW § 3102-a and as amended at N.Y. AGRIC & MKTS. LAW § 16; N.Y. ECON DEV. LAW §§ 220 to 223; N.Y. PUB AUTH. LAW §§ 3102, 3102-d (McKinney 1991)).

The purpose of this act is to fortify New York's competitive position in the world economy. Among its provisions, the act creates the industrial technology extension service, a network of regional state organizations, which is to assist businesses in researching, evaluating, and implementing technology productivity improvements.

SOUTH CAROLINA

Act approved June 11, 1990, No. 581, 1990 S.C. Acts 2468 (codified as amended at S.C. CODE ANN. §§ 13-17-30, 13-17-90 (Law Co-Op. 1991)).

This act authorizes a state agency to establish and operate research, computer, and technology related projects. Such projects are to be designed to strengthen the state's high technology industries.

Education**COLORADO**

K-12 Mathematics, Science, and Technology Improvement Act of 1990, ch. 151, 1990 Colo. Sess. Laws 1133 (codified at COLO. REV. STAT. §§ 22-81-101 to 22-81-104 and as amended at COLO. REV. STAT. §§ 24-30-903, 24-30-1801 to 24-30-1803 (1991)).

This act calls for the development of a strategic plan for improving K-12 mathematics, science, and technology education in the state through the use of telecommunications networks and facilities.

Taxation**CALIFORNIA**

Act approved September 30, 1990, ch. 1618, 1990 Cal. Stat. ____ (codified as amended at CAL REV. & TAX CODE § 24357.8 (West 1991)).

This act extends through 1993 a charitable deduction for donations of scientific property used for instructional purposes at institutions of higher education.

WASHINGTON

Act approved March 28, 1990, ch. 255, 1990 Wash. Laws 1443.

In order to develop a uniform statewide property tax treatment of computer software, this act provides for a thorough study of such taxation. Pending completion of the study, the act restricts the authority of counties to either change the assessment of previously assessed software items or to assess new software items.

WEST VIRGINIA

Act approved March 9, 1990, ch. 37, 1990 W. Va. Acts 405 (codified as amended at W. VA. CODE § 5E-1-4 (1991)).

This act adds computer software development to the list of qualified activities for which tax credits are extended for venture capital financing.

GOVERNMENT USE OF HIGH TECHNOLOGY**Telecommuting**

These acts establish telecommuting programs whereby state and municipal workers can forego commuting to work, instead remaining at home to perform their duties via computer terminals. Legislators hope that programs such as these can improve traffic conditions and decrease auto pollution.

CALIFORNIA

Act approved September 26, 1990, ch. 1389, 1990 Cal. Stat. ____ (codified as CAL GOVT CODE §§ 14200 to 14203 (West 1991)).

This act authorizes all state agencies and commissions to adopt telecommuting programs.

FLORIDA

State Employee Telecommuting Act, ch. 90-291, 1990 Fla. Laws 2316 (codified as FLA STAT. §§ 110.171 to 110.174 (1990)).

This act authorizes state agencies to implement pilot voluntary telecommuting programs for all state employees.

VIRGINIA

H.D.J. Res. 77, 1990 Va. Acts 2271.

This resolution requires a state commission to study the benefits of telecommuting trial programs in California and other states for possible future use in Virginia.

Telecommunications Hiring Systems

NEW JERSEY

Act approved July 9, 1990, ch. 59, 1990 N.J. Laws ____ (codified at N.J. REV. STAT. §§ 32:23-105.1 to 32:23-105.3 (West 1991)).

This act requires the waterfront and airport commission to establish a telecommunications hiring system through which longshoremen and checkers may be hired without ever appearing in person.

Teleconferencing

TENNESSEE

Act approved April 5, 1990, ch. 815, 1990 Tenn. Pub. Acts 332 (codified at TENN. CODE ANN. § 8-44-108 (Supp. 1991)).

This act allows members of state agencies and commissions, upon declaration of necessity, to participate in meetings via electronics or other communications through which all members may simultaneously hear and speak to each other during the meeting. All members participating in this manner shall be deemed present for voting and quorum requirements.

WISCONSIN

Act approved April 23, 1990, Act 308, 1989 Wis. Laws 1422 (codified as amended at WIS. STAT. §§ 180.37, 181.24, 185.32, 186.07, 186.22, 215.50, 215.70, 221.08, 221.21, 611.51 (West 1990)).

This act authorizes the board of directors of a corporation to permit any or all directors to participate in any meeting through any means of communication so long as all participants may simultaneously hear and speak to each other, the communication is immediately transmitted, and each participant is able to send messages immediately to other participants. Each person participating in this manner shall be deemed present at the meeting.

Use of Two-Way Television in Criminal Proceedings

The following acts allow defendants and witnesses to appear in certain specified criminal proceedings via two-way television.

CALIFORNIA

Act approved July 25, 1990, ch. 427, 1990 Cal. Stat. ____ (codified as amended at CAL PENAL CODE § 977.2 (West 1991)).

This act authorizes any California county to participate in the state's already existing pilot project permitting the use of two-way television in arraignments for misdemeanor and felony charges.

Act approved September 23, 1990, ch. 1271, 1990 Cal. Stat. ____ (codified as amended at CAL PENAL CODE § 977.2 (West 1991)).

This act provides that a judge may accept a defendant's plea of guilty or no contest via two-way television during arraignment proceedings.

LOUISIANA

Act approved July 6, 1990, No. 593, 1990 La. Acts 1320 (codified as amended at LA. CODE CRIM PROC. ANN. arts. 551, 553, 831 to 833 (West 1991)).

This act allows criminal defendants to appear during arraignment proceedings via two-way television. While the act disfavors use of this technology in felony cases, it nonetheless permits it when authorized by local rules.

NEW YORK

Act approved July 30, 1990, ch. 894, 1990 N.Y. Laws ____ (codified at N.Y. CRIM. PROC. LAW §§ 182.10 to 182.40 (McKinney 1991)).

This act authorizes courts to allow defendants to appear via two-way television at proceedings other than hearings and trials. Electronic appearances may not be used to enter a plea of guilty to a felony or a plea of not responsible by reason of mental disease. Nor can electronic appearance be used when incarceration will result from a guilty plea in misdemeanor cases.

WASHINGTON

Act approved March 23, 1990, ch. 150, 1990 Wash. Laws 978 (codified at WASH. REV. CODE ANN § 9A.44.150 (Supp. 1991)).

This act allows child victims of sexual assault to testify in court via closed-circuit television. Prior to allowing such testimony, the court must make specific findings regarding the strength of the state's case, the trauma to the victim, and the defendant's constitutional rights.

Use of Telecommunications Technology in Law Enforcement

INDIANA

Act approved March 20, 1990, P.L. 161-1990, § 2, 1990 Ind. Acts 2161, 2162-63 (codified at IND. CODE § 35-33-5-8 (1991)).

This act allows a judge to issue a warrant based upon sworn testimony received via telephone, radio, or facsimile.

MICHIGAN

Act approved March 29, 1990, No. 41, 1990 Mich. Pub. Acts ____ (codified as amended at MICH. COMP. LAWS § 764.1 (1991)).

This act authorizes the use of electronically transmitted arrest warrants.

Act approved March 29, 1990, No. 43, 1990 Mich. Pub. Acts ____ (codified as amended at MICH. COMP. LAWS § 780.651 (1991)).

This act authorizes police to apply for and receive search warrants via electronic communications devices.

Act approved March 29, 1990, No. 44, 1990 Mich. Pub. Acts ____ (codified as amended at MICH. COMP. LAWS § 600.1440 (1991)).

This act provides for the use of oaths or affirmations administered before a justice, judge, or district court magistrate via electronic or electromagnetic means.

Electronic Transmission of Documents

The following acts authorize certain documents to be delivered to the state electronically.

ARIZONA

Act approved April 11, 1990, ch. 44, 1990 Ariz. Sess. Laws 144 (codified at ARIZ. REV. STAT. ANN § 10-131 (1990)).

This act provides that corporations and associations may deliver documents to the state via facsimile transmissions.

CALIFORNIA

Act approved September 19, 1990, ch. 1110, 1990 Cal. Stat. ____ (codified at CAL. INS. CODE §§ 12960 to 12965 (West 1990)).

This act provides that insurers and government agencies regulating insurers may make certain required filings with the government electronically.

KANSAS

Act approved April 23, 1990, ch. 85, 1990 Kan. Sess. Laws 623 (codified as amended at KAN. STAT. ANN. §§ 17-2718, 17-7503, 17-7505 (1990)).

This act provides that corporate filings with the state may be made via facsimile transmissions provided that the original document is filed within seven days after its facsimile filing date.

MARYLAND

Act approved April 24, 1990, ch. 131, 1990 Md. Laws 592 (codified as amended at MD. CORPS. & ASS'NCODE ANN. § 1-201 (1990)).

This act provides that corporate charters and limited partnership documents may be filed with the state via facsimile transmissions.

Act approved May 2, 1990, ch. 392, 1990 Md. Laws 1310 (codified as amended at MD. STATE GOVT CODE ANN. § 7-213 (1990)).

This act provides that documents may be submitted for publication in the state register electronically.

Electronic Preservation of Documents

The following acts authorize the electronic preservation of certain state records and make other provisions regarding the electronic preservation of documents by the state.

CALIFORNIA

Act approved September 26, 1990, ch. 1380, 1990 Cal. Stat. ____ (codified at CAL. GOVT CODE §§ 11773 to 11775 (West 1990)).

This act requires each state agency to develop a disaster recovery plan regarding information technology to minimize the impact a disaster might have on state government computer operations.

NEW HAMPSHIRE

Act approved April 28, 1990, No. 183, 1990 N.H. Laws 280 (codified as amended at N.H. REV. STAT. ANN. § 478:5 (1990)).

This act provides that those who register deeds and other documents may do so on an optical disk.

NEW YORK

Act approved July 18, 1990, ch. 561, 1990 N.Y. Laws ____ (codified as amended at N.Y. EXEC LAW §§ 93, 96, 96-a; N.Y. LIEN LAW §§ 240 to 242; N.Y. U.C.C. LAW §§ 9-403 to 9-407 (1990)).

This act provides that records in the custody of the Department of State may be stored electronically.

OKLAHOMA

Act approved April 9, 1990, ch. 50, 1990 Okla. Sess. Laws 86 (codified as amended at OKLA. STAT. tit. 11, § 22-132 (1990)).

This act provides that any municipality may store records on optical disk.

Computer Databases and Networks

The following acts establish various computer databases and networks.

CALIFORNIA

Act approved September 11, 1990, ch. 795, 1990 Cal. Stat. ____ (codified at CAL. HEALTH & SAFETY CODE § 11983.22 and as amended at CAL. HEALTH & SAFETY CODE §§ 11755, 11815.5, 11818.5, 11983.2, 11983.21 (West 1991)).

This act establishes a centralized alcohol and drug abuse data system to obtain information on state drug treatment and law enforcement activities.

COLORADO

Act approved June 7, 1990, ch. 196, 1990 Colo. Sess. Laws 1304 (codified at COLO. REV. STAT. §§ 24-90-301 to 24-90-303 and as amended at COLO. REV. STAT. § 24-90-105 (1991)).

This act declares that public access to information is of utmost importance and that access to computer information should be equal, regardless of place of residence or economic status. The act thus establishes a publicly accessible state computer information network linking a number of existing library networks and provides for public access throughout the state.

INDIANA

Act approved March 27, 1990, P.L. 37-1990, § 3, 1990 Ind. Acts 1262, 1263-64 (codified at IND. CODE §§ 20-12-34.5-1 to 20-12-34.5-6 (1991)).

This act establishes a database of DNA population statistics to include information concerning allele frequency and demographics generated by state laboratories conducting DNA analyses.

KANSAS

Act approved April 6, 1990, ch. 266, 1990 Kan. Sess. Laws 1565 (codified at KAN. STAT. ANN. §§ 74-9301 to 74-9309 (Supp. 1990)).

This act creates a state information network to allow the public electronic access to information generated by the state. An agency is established to explore ways to increase information in, and expand public access to, the state network.

KENTUCKY

Act approved March 16, 1990, ch. 66, 1990 Ky. Acts 143 (codified at KY. REV. STAT. ANN. §§ 7.510 to 7.520 (Michie Supp. 1990)).

This act establishes a legislative electronic information system to provide public access to state statutes and regulations and to information on pending bills and resolutions.

MICHIGAN

Act approved June 20, 1990, No. 112, 1990 Mich. Pub. Acts ____ (codified at MICH. COMP. LAWS § 211.42a (1991)).

This act allows local tax collecting entities to use computerized databases as tax rolls.

MINNESOTA

Act approved May 3, 1990, ch. 583, § 11, 1990 Minn. Laws 2198, 2205-06.

This act provides for a study of the feasibility and cost of establishing a statewide domestic abuse database which would include parties' names, arrests made, and release conditions.

TENNESSEE

Act approved April 5, 1990, ch. 775, 1990 Tenn. Pub. Acts 265 (codified at TENN. CODE ANN. § 4-3-2011 (1991)).

This act establishes a centralized database of organ and tissue donors to provide continuous information to donor service agencies.

VIRGINIA

Act approved March 7, 1990, ch. 103, 1990 Va. Acts 181 (codified as amended at VA. CODE ANN. § 32.1-122.02 (1991)).

This act requires a state health board to make recommendations concerning statewide data collection systems for health care manpower and for state mortality and morbidity rates.

Electronic Voting**HAWAII**

Act approved June 19, 1990, ch. 174, 1990 Haw. Sess. Laws 359.

This act authorizes an advisory committee to investigate and select a new, completely electronic voting system to replace the state's current voting system.

WEST VIRGINIA

Act approved March 10, 1990, ch. 80, 1990 W. Va. Acts 679 (codified as amended at scattered sections of W. VA. CODE §§ 3-4A-2 to 3-4A-25 (West 1991)).

This act sets forth the requirements for operating electronic voting facilities. The act requires all essential elements of voting (including secrecy, correct tabulation, and the ability to change one's vote before submitting the ballot) to be present in electronically conducted elections. The act also establishes technical requirements of ballot appearance and certain administrative procedures.

GOVERNMENT REGULATION OF HIGH TECHNOLOGY ACTIVITIES**Computer Crime****CALIFORNIA**

Act approved March 13, 1990, ch. 22, 1990 Cal. Stat. ____ (codified as amended at CAL PENAL CODE § 502.01 (West 1991)).

This act resolves a conflict in prior law relating to probation guidelines for certain computer crimes. It repeals probation guidelines that provided (a) that persons convicted of certain computer crimes could be granted probation for *up to three years* and (b) that the court could prohibit employment where the convict would have access to computers not operated by his or her

employer. The probation guidelines left intact are more severe. They require a probation period of *not less than three years* and prohibit employment involving computer use unless a court finds that such employment would pose no risk to the public.

MAINE

Act approved February 23, 1990, ch. 620, 1989 Me. Laws 1633 (codified at ME. REV. STAT. ANN. tit. 17-A, §§ 431 to 433 (1991)).

This act finds the unauthorized access of a computer resource to be a criminal invasion of computer privacy. It declares the invasion to be aggravated when the perpetrator copies computer information, damages computer resources, or introduces a virus into a computer system.

Telecommunications and Cable Television Theft

The following acts prohibit the fraudulent obtainment of various telecommunications and cable television services.

COLORADO

Act approved April 3, 1990, ch. 131, 1990 Colo. Sess. Laws 993 (codified at COLO. REV. STAT. § 18-9-309.5 and as amended at COLO. REV. STAT. § 18-9-309 (1991)).

This act criminalizes the unauthorized use of or damage to telecommunications equipment. It criminalizes the fraudulent obtainment of telecommunication services by means including, but not limited to, improper use of credit cards or the tampering with telecommunications equipment. The act provides for the forfeiture of property used in violation of its provisions and provides for injunctive relief against such violators.

MINNESOTA

Act Approved April 24, 1990, ch. 494, 1990 Minn. Laws 1233 (codified at MINN. STAT. §§ 237.73, 609.892, 609.893 and as amended at MINN. STAT. §§ 609.531, 609.87 (1991)).

This act criminalizes the fraudulent obtainment of telecommunication and information services with the intent to evade lawful charges. It makes it a felony to facilitate such telecommunications fraud. The act provides for injunctive relief and forfeitures of telecommunication devices used for fraudulent purposes.

SOUTH DAKOTA

Act approved February 28, 1990, ch. 169, 1990 S.D. Laws 212 (codified as amended at S.D. CODIFIED LAWS ANN. §§ 22-44-2, 22-44-4 (1991)).

This act increases the penalty for knowingly manufacturing, selling, or distributing equipment intended for use in the theft of cable television services.

WASHINGTON

Act approved March 6, 1990, ch. 11, 1990 Wash. Laws 125 (codified as amended at WASH. REV. CODE §§ 9.26A.090, 9.45.240 (1991)).

This act criminalizes the fraudulent obtainment of telephone, telegraph, and telecommunications services through tampering with electronic devices or through computer trespass. Injunctive relief is provided.

Cable Television Access

WISCONSIN

Act approved March 23, 1990, Act 143, 1989 Wis. Laws 1057 (codified at WIS. STAT. § 66.085 (1991)).

This law prohibits owners or managers of multi-unit dwellings, including condominiums, from preventing or interfering with cable television service to residents. Cable operators are held responsible for any building repairs required because of the installation of cable service in multi-unit dwellings.

Use of Paging Devices on School Property

These acts are designed to curb drug trafficking by prohibiting student use of paging devices on public school property. However, school authorities may, in their discretion, allow student use of such devices.

ILLINOIS

Act approved September 10, 1990, P.A. 86-1391, 1990 Ill. Laws 2957 (codified at ILL. REV. STAT ch. 122, ¶¶ 10-20.28, 34-18.14 and as amended at ILL. REV. STAT ch. 56 1/2, ¶ 1401.1 (1991)).

In addition to prohibiting the use of cellular telecommunication devices on school property, this act also makes it a felony to knowingly use such devices in the trafficking of controlled substances.

KENTUCKY

Act approved March 19, 1990, ch. 87, 1990 Ky. Acts 176 (codified at KY. REV. STAT. ANN. § 158.165 (Michie Supp. 1990)).

This act provides an exception to the prohibition on student use of paging devices for students who are members of a voluntary fire fighting or emergency medical organization.

RHODE ISLAND

Act approved July 12, 1991, ch. 475, 1990 R.I. Pub. Laws ____ (codified at R. I. GEN. LAWS § 16-21.2-11 (1991)).

WISCONSIN

Act approved January 19, 1990, Act 121, § 13, 1989 Wis. Laws 984, 988 (codified at WIS. STAT. § 118.258 (1991)).

Telecommunications Regulation

FEDERAL

Federal Communications Commission Authorization Act of 1990, Pub. L. No. 101-396, § 9, 104 Stat. 848, 850-51 (codified at 47 U.S.C. § 333 (1991)).

This act prohibits the willful or malicious interference with the radio communications of any station either licensed under federal law or operated by the federal government.

Telephone Operator Consumer Services Improvement Act of 1990, Pub. L. No. 101-435, 104 Stat. 986 (codified at 47 U.S.C. § 226 (1991)).

This act was passed in response to criticisms concerning the operator services industry. Congress has found that consumers using public pay phones often have no meaningful choice of long distance carrier because aggregators of telephone services (such as hotels, restaurants, and airports) contract with specific providers of operator service, blocking access to alternative providers. Congress has also found that consumers are often deceived about the identity of the company providing operator service and the rates being charged and that consumers lack information on how to complain about such unfair treatment.

This act requires providers of operator services to fully disclose their identity, the rates being charged, and the procedures by which consumer complaints will be handled. Aggregators of telephone services are required to provide notice to consumers of the identity

of the company providing operator service and of the consumer's right to choose their own long distance carrier. Aggregators must ensure that access to other carriers is not blocked.

Business and Trade Regulation

CALIFORNIA

Act approved September 22, 1990, ch. 1226, 1990 Cal. Stat. ____ (codified as amended at CAL. BUS. & PROF. CODE §§ 6731, 6731.1, 8726 (West 1991)).

This act modifies the definitions of civil engineering and land surveying to include the creation, preparation, or modification of electronic or computerized data in the performance of certain enumerated activities. Persons in the business of engaging in such activities are thus now required to obtain a state license.

Automatic Phone Dialing Machines

The following acts generally prohibit the use of automatic phone dialing machines and/or recorded telephone solicitations. Most provide an exception where the solicitee has a pre-existing business relationship with the solicitor. Some allow the use of such devices during set time periods. Individual differences among the various acts are set forth in detail below.

CALIFORNIA

Act approved September 30, 1990, ch. 1641, 1990 Cal. Stat. ____ (codified as amended at CAL. CIV. CODE § 1770 (West 1991)).

This act prohibits using recorded telephone solicitations without first obtaining the solicitee's consent, unless the solicitee has a pre-existing business relationship with the solicitor.

FLORIDA

Act approved June 22, 1990, ch. 90-143, 1990 Fla. Laws 635 (codified as amended at FLA. STAT. § 501.059 (1991)).

This act prohibits the use of automatic phone dialing machines to send recorded messages for commercial solicitation purposes.

MAINE

Act approved April 3, 1990, ch. 775, 1989 Me. Laws 1842 (codified at ME. REV. STAT. ANN. tit. 10, § 1498 (1991)).

This act prohibits the use of automatic phone dialing machines to make commercial solicitation calls to emergency telephone numbers, cellular and paging phones, or any unlisted or unpublished telephone numbers. Otherwise, such machines may be used for commercial solicitation purposes on weekdays between the hours of 9 AM to 5 PM or when the solicitee has a pre-existing business relationship with the solicitor. Persons intending to use automatic phone dialing machines must register with the secretary of state.

MARYLAND

Act approved May 29, 1990, ch. 607, 1990 Md. Laws 2647 (codified as amended at MD. ANN. CODE art. 78, § 55C (1991)).

This act prohibits the use of automatic phone dialing machines and prerecorded messages without the solicitee's consent unless a pre-existing business relationship is present. Senders of prerecorded messages are required to terminate the message within ten seconds after recipient has terminated the call. This act does not apply to government agencies using automatic phone dialing machines for emergency purposes.

TENNESSEE

Consumer Telemarketing Protection Act of 1990, ch. 874, 1990 Tenn. Pub. Acts 437 (codified at TENN. CODE ANN. §§ 47-18-1501 to 47-18-1510 (Supp. 1991)).

This act prohibits the use of automatic phone dialing machines for commercial solicitation purposes except when prior consent is given. Moreover, before playing a recorded message, a live operator must obtain the solicitee's consent. Such machines must disconnect from the telephone line within ten seconds if the recipient refuses consent or terminates the call. Such machines may not be used between the hours of 9 PM and 8 AM and may not be used to place calls to emergency telephone numbers or randomly selected numbers. The act also prohibits the use of automatic phone dialing machines to solicit business for telephone access lines ("976" and "900" numbers). Finally, persons intending to use such machines must obtain a permit.

UTAH

Act approved March 7, 1990, ch. 33, 1990 Utah Laws 166 (codified at UTAH CODE ANN. §§ 13-25-1 to 13-25-5 and as amended at UTAH CODE ANN. § 63-55-213 (1991)).

This act requires persons using automatic phone dialing machines for commercial solicitation purposes to register with the state unless the machines are used solely to contact solicitees who have a pre-existing business relationship with the solicitor. Such devices may not be used between the hours of 8 PM and 9 AM and may not be used to place calls to emergency telephone numbers or randomly selected numbers. Recorded messages must identify the business initiating the call and provide a summary of the call's purpose. The telephone line of recipient must be disconnected within 30 seconds of when recipient terminates the call.

Unsolicited Facsimiles

With minor variations, the following acts prohibit the sending of unsolicited commercial advertising material via a fax machine except when the solicitee has a pre-existing business relationship with the solicitor. This exception does not apply where the recipient has notified the sender that he or she does not wish to receive such solicitations. These acts generally prescribe penalties for violations and provide for civil damages and injunctive relief against violators.

GEORGIA

Act approved March 22, 1990, H.B. 1181, 1990 Ga. Laws 252 (codified at GA. CODE ANN. § 46-5-25 (1991)).

MAINE

Act approved March 30, 1990, ch. 758, 1989 Me. Laws 1818 (codified at ME. REV. STAT ANN. tit. 10, § 1496 (1991)).

This act expressly includes material seeking charitable contributions in the prohibition against the sending of unsolicited advertising material via fax machine.

MICHIGAN

Act approved March 30, 1990, No. 48, 1990 Mich. Pub. Acts ____ (codified at MICH COMP. LAWS §§ 445.1771 to 445.1776 (1991)).

This act has no "pre-existing business relationship" exception.

OKLAHOMA

Act approved May 2, 1990, ch. 169, 1990 Okla. Sess. Laws 496 (codified at OKLA. STAT. tit. 21, §§ 1862, 1863 (1991)).

TENNESSEE

Unsolicited Telefacsimile Advertising Act, ch. 877, 1990 Tenn. Pub. Acts 443 (codified at TENN. CODE ANN. §§ 47-18-1601 to 47-18-1604 (Supp. 1991)).

VIRGINIA

Act approved March 24, 1990, ch. 246, 1990 Va. Acts 339 (codified as amended at VA. CODE ANN. § 8.01-40.2 (1991)).

This act adds a provision for seeking civil damages and injunctive relief to prior law that already prohibited the sending of unsolicited commercial advertising via fax machine.

WASHINGTON

Act approved March 27, 1990, ch. 221, 1990 Wash. Laws 1242 (codified at WASH. REV. CODE ANN § 80.36.540 (1991)).

WEST VIRGINIA

Act approved March 26, 1990, ch. 47, 1990 W. Va. Acts 507 (codified at W. VA. CODE§ 46A-2-139 and as amended at W. VA. CODE§ 46A-1-102 (1991)).

This act prohibits the sending of unsolicited commercial advertising material via fax machine to recipients who have previously notified the sender that they wish not to receive such material.

PRIVACY**Electronic Monitoring of House Arrests**

These acts authorize the use of electronic devices to monitor criminal defendants' compliance with house arrest requirements. Such devices record information about the defendants' presence in the house. Generally these acts establish guidelines for the use of such devices, requiring them to be minimally intrusive and requiring the consent of the participant and other residents in the home before they may be used.

ILLINOIS

Electronic Home Detention Law, P.A. 86-1281, 1990 Ill. Laws 2231 (codified at ILL. REV. STAT ch. 38, ¶¶ 1005-8A-1 to 1005-8A-5 and as amended at ILL. REV. STAT ch. 37, ¶ 805-24; ch. 38, ¶¶ 110-10, 1003-14-2, 1005-6-3, 1005-7-1 (1991)).

NEBRASKA

Act approved February 7, 1990, LB 399, 1990 Neb. Laws 187 (codified as amended at NEB. REV. STAT. § 47-401 (1991)).

This act authorizes the use of electronic surveillance systems to monitor house arrests but provides no guidelines for their use.

SOUTH CAROLINA

Home Detention Act, No. 594, 1990 S.C. Acts 2509 (codified at S.C. CODE ANN. §§ 24-13-1510 to 24-13-1590 (Law Co-op 1991)).

Expectation of Privacy in Telecommunications Transmissions

The following acts address whether there is an expectation of privacy in telecommunications transmissions, despite the possibility of interception by third parties.

CALIFORNIA

Act approved September 10, 1990, ch. 696, 1990 Cal. Stat. ____ (codified at CAL. PENAL CODE § 632.6 and as amended at CAL. PENALCODE §§ 632, 633, 633.5, 634, 635 (West 1991)).

Existing law makes it a crime to intercept cellular telephone transmissions. This act makes it a crime to intercept cordless telephone communications as well.

CONNECTICUT

Act approved June 12, 1990, P.A. 90-305, 1990 Conn. Acts 1022 (Reg. Sess.)(codified at CONN. GEN STAT. ANN. § 52-570d (West 1991)).

This act prohibits the recording of private telephone communications without prior notification to all parties. Such notification may include the use of an automatic tone warning device while the recording equipment is in use. Exceptions are provided for law enforcement and public safety officials in the lawful performance of their duties, recipients of extortion threats or other unlawful requests, and officers of the Federal Communications Commission who record conversations for broadcast over the air.

ILLINOIS

Act approved August 29, 1990, P.A. 86-1206, 1990 Ill. Laws 1876 (codified as amended at ILL. REV. STAT ch. 38, ¶ 108B-1 (1991)).

This act declares that persons using a cordless telephone or a cellular communication device have a reasonable expectation of privacy in their communications.

MINNESOTA

Act approved April 16, 1990, ch. 455, 1990 Minn. Laws 952 (codified as amended at MINN. STAT. §§ 626A.01, 626A.02 (1991)).

This act provides that it is not unlawful to inadvertently intercept a cordless telephone communication.

Police Interception of Telecommunications Transmissions

INDIANA

Act approved March 20, 1990, P.L. 161-1990, § 3, 1990 Ind. Acts 2161, 2163-76 (codified at IND. CODE §§ 35-33.5-1-1 to 35-33.5-5-6 (1991)).

This act establishes procedures that police must follow to intercept telephonic or telegraphic communications. It strictly limits the admissibility of evidence obtained through wiretapping and the manner by which authority to wiretap may be obtained. The act requires that a warrant be obtained to establish electronic surveillance and limits surveillance to 14 days absent a judicial extension.

PENNSYLVANIA

Act approved February 2, 1990, P.L. 1990-3, 1990 Pa. Laws ____ (codified as amended at 18 PA. CONS. STAT. § 5708 (1991)).

This act authorizes the use of wiretapping to investigate crimes involving the selling of infant children.

Telecommunications Harassment

OKLAHOMA

Act Approved April 16, 1990, ch. 73, 1990 Okla. Sess. Laws 231 (codified as amended at OKLA. STAT. tit. 21, § 850 (1991)).

This act prohibits the malicious intimidation of minorities through the transmission of telephone or electronic messages. Immunity is granted to entities installing telephone or electronic

message equipment unless the entity has actual knowledge that such equipment is being used in violation of this section.

Facsimile Number Directories

CALIFORNIA

Act approved September 17, 1990, ch. 973, 1990 Cal. Stat. ____ (codified at CAL. BUS. & PROF. CODES § 22600 and CAL PUB. UTIL CODE § 728.4 (West 1991)).

This act requires owner consent before his or her facsimile machine number may be included in a commercial directory.

INTELLECTUAL PROPERTY

Applicability of Federal Law

FEDERAL

Copyright Remedy Clarification Act, Pub. L. No. 101-553, 104 Stat. 2749 (1990) (codified at 17 U.S.C. § 511 and as amended at 17 U.S.C. §§ 501, 910, 911 (1991)).

This act clarifies existing law by providing that states are subject to suit in federal court for copyright infringement, thereby expressly abrogating the states' Eleventh Amendment immunity from copyright infringement actions. Under the act, all remedies for infringement against a private person are likewise available against states.

Act approved November 15, 1990, Pub. L. No. 101-580, 104 Stat. 2863 (codified at 35 U.S.C. § 105 (1991)).

This act provides that inventions made, used, or sold in space on a United States space object or component will be considered made, used, or sold within the United States. If the space object belongs to another country, the invention will be deemed as made within the United States if an international agreement between the two countries so provides.

Government Ownership of Copyrights

FLORIDA

Act approved July 2 1990, ch. 90-237, 1990 Fla. Laws 1769 (codified at FLA. STAT. § 119.083 (1991)).

This act authorizes certain governmental agencies to obtain copyrights for data processing software created by the agencies. It provides that an agency which obtains a copyright for data processing may enforce its rights and sell or license the copyright subject to certain restrictions.

State Public Records Acts

State public records acts generally require that government records be accessible to the public unless there is a state need for maintaining their confidentiality. The following acts are designed to protect the confidentiality of intellectual property owned by the state from the effect of such public records acts.

ALASKA

Act approved May 15, 1990, ch. 55, 1990 Alaska Sess. Laws ____ (codified at ALASKA STAT. § 14.40.453 (1991)).

This act provides that the state public records act does not apply to intellectual property or proprietary information received by the University of Alaska until the information is released, copyrighted, or patented. An exception is provided for descriptions of projects, the names of researchers, and the amount and source of funding.

KENTUCKY

Res. approved April 10, 1990, ch. 430, 1990 Ky. Acts 983.

This resolution creates a task force to study the effect that advances in computer technology and data management have had on the state public records act. The task force is to consider amending the state public records act to balance public need for access to public records against public agencies' need for confidentiality.

Regulation of Invention Promotion Services

KANSAS

Act approved April 12, 1990, ch. 181, 1990 Kan. Sess. Laws 1091 (codified at KAN. STAT. ANN §§ 50-666 to 50-668 (Supp. 1990)).

This act requires "invention promoters" to make certain disclosures in their contracts with inventors. Invention promoters are persons who develop and promote inventions on behalf of inventors. The required disclosures include (a) the fees to be charged, (b) whether or not prototypes will be made or sold, and (c) whether the invention promoter evaluates the technical or commercial feasibility of the invention. In addition, a mandatory clause must be inserted in the contract explaining the consequences of assigning interests in the invention, the importance of consulting an attorney, and the effect the contract may have on patent rights.

Noncompetitive Agreements

LOUISIANA

Act approved June 29, 1990, No. 137, 1990 La. Acts 458 (codified as amended at LA. REV. STAT. ANN § 23:921 (West 1991)).

This act legalizes employment agreements which preclude ex-employees from working on any computer program that competes with any confidential computer program owned by their former employer and to which the employee had direct access during employment.

Trade Secrets

CALIFORNIA

Act approved June 18, 1990, ch. 149, 1990 Cal. Stat. ____ (codified at CAL. EVID. CODE §§ 1061, 1062 (West 1991)).

This act creates a privilege protecting trade secrets during criminal proceedings. Courts are authorized to issue protective orders when the privilege is invoked by an owner of a trade secret. It also provides for closing to the public such portions of criminal proceedings as are necessary to prevent the disclosure of trade secrets.

Uniform Trade Secrets Act

The following acts adopt the Uniform Trade Secrets Act ("U.T.S.A."), which authorizes injunctive relief and damages for the misappropriation of trade secrets. The U.T.S.A. authorizes attorney's fees when a misappropriation claim is made in bad faith or a motion to terminate an injunction is made or resisted in bad faith. Both attorney's fees and exemplary damages are authorized when willful and malicious misappropriation is found. In civil actions under the act, the court is charged with preserving the secrecy of alleged trade secrets by reasonable means. There are minor variations among the various enactments.

ARIZONA

Uniform Trade Secrets Act, ch. 37, 1990 Ariz. Sess. Laws ____ (codified at ARIZ. REV. STAT. ANN §§ 44-401 to 44-407 (1991)).

GEORGIA

Georgia Trade Secrets Act of 1990, H.B. 1449, 1990 Ga. Laws 1560 (codified at GA. CODE ANN §§ 10-1-761 to 10-1-767 and as amended at GA. CODE ANN § 10-1-760 (1991)).

IOWA

Uniform Trade Secrets Act, ch. 1201, 1990 Iowa Acts 288 (codified at IOWACODE §§ 550.1 to 550.8 (1991)).

KENTUCKY

Uniform Trade Secrets Act, ch. 300, 1990 Ky. Acts 608 (codified at KY. REV. STAT. ANN. §§ 365.880 to 365.900 (Michie Supp. 1990)).

MISSISSIPPI

Mississippi Uniform Trade Secrets Act, ch. 442, §§ 1 to 10, 1990 Miss. Laws 294 (codified at MISS. CODE ANN. §§ 75-26-1 to 75-26-19 (1991)).

PUBLIC HEALTH AND MEDICINE

Surrogate Parentage Contracts

MICHIGAN

Act approved July 23, 1990, No. 190, 1990 Mich. Pub. Acts ____ (codified as amended at MICH. COMP. LAWS § 722.853 (1991)).

Under this act, surrogate parentage contracts will presumptively include a provision, whether or not express, that the birth mother will relinquish her parental or custodial rights to the child.

NEW HAMPSHIRE

Act approved April 10, 1990, No. 87, 1990 N.H. Laws 117 (codified at N.H. REV. STAT. ANN. §§ 168-B:1 to 168-B:32 (1991)).

This act requires surrogate arrangements to be judicially preauthorized and provides for the legitimacy of children of such arrangements. It also defines support responsibilities and gives the birth mother a 72-hour option after birth to keep the child.

The act forbids arranging surrogacy contracts for profit and generally limits the fees the birth mother may receive to expenses (including lost wages and attorney's fees) caused by the pregnancy.

Paternity Testing

NEW HAMPSHIRE

Act approved April 19, 1990, ch. 149, 1990 N.H. Laws 208 (codified as amended at N.H. REV. STAT. ANN. §§ 522:1 to 522:4-a (1991)).

This act authorizes courts in paternity suits to order the mother, child, and alleged father to submit to genetic marker tests, including DNA analysis.

SOUTH CAROLINA

Act approved June 7, 1990, No. 562, 1990 S.C. Acts 2426 (codified as amended at S.C. CODE ANN. § 20-7-954 (Law. Co-op. 1991)).

This act provides that genetic testing is not required in paternity actions where the court finds that a party has good cause to refuse such testing. "Good cause" may include (a) the potential violation of an overriding religious belief of either parent or (b) the potential for emotional or physical harm to the child, the custodial parent (if that harm reduces the parent's ability to care for the child), or the putative parent (if that harm outweighs the child's interest in a paternity determination).

DNA Identification of Sex Offenders

These acts require convicted sex offenders to submit to the withdrawal of blood and saliva samples from which DNA identification profiles will be determined. The profiles are to be

stored at a central agency and made available to criminal justice agencies.

INDIANA

Act approved March 27, 1990, P.L. 37-1990, § 34, 1990 Ind. Acts 1262, 1284 (codified at IND. CODE § 35-37-4-10 (1991)).

This act makes the results of forensic DNA analyses admissible as evidence in criminal proceedings without expert testimony on their reliability.

MICHIGAN

Act approved July 23, 1990, No. 191, 1990 Mich. Pub. Acts ____ (codified at MICH. COMP. LAWS § 750.520m (1991)).

This act provides for the taking of blood and saliva samples for law enforcement purposes in a medically approved manner by qualified persons.

DNA Identification Profiling System Act, No. 250, 1990 Mich. Pub. Acts ____ (codified at MICH. COMP. LAWS §§ 28.171 to 28.178 (1991)).

This act provides for the collection of blood and saliva samples from certain prisoners and convicted sex offenders for DNA testing purposes. These collections are to be done in such a way as to protect individual privacy interests. The act also provides for a committee to advise the legislature on various aspects of forensic DNA testing.

Act approved October 11, 1990, No 251, 1990 Mich. Pub. Acts ____ (codified at MICH. COMP. LAWS § 791.233d (1991)).

This act provides that prisoners convicted of sex-related crimes shall not be released on parole until they have provided blood and saliva samples for DNA identification purposes.

SOUTH DAKOTA

Act approved February 24, 1990, ch 173, 1990 S.D. Laws 218.

This act establishes a DNA identification system for sex offenders. Upon the arrest of such persons, law enforcement officers shall arrange for the collection of blood and saliva specimens for analysis. The authorized collector is not liable for damages if withdrawal of the specimen is administered with usual and ordinary care. DNA identification information is kept confidential.

VIRGINIA

Act approved April 9, 1990, ch. 669, 1990 Va. Acts 999 (codified at VA. CODE ANN. §§ 19.2-270.5, 19.2-310.2 to 19.2-310.7 and as amended at VA. CODE ANN. § 19.2-387 (1991)).

This act deems DNA testing to be a reliable scientific technique and provides for the admission of such testing in criminal proceedings to prove identity. Those authorized to withdraw blood will face no civil liability as long as blood was withdrawn according to recognized medical procedures. The results of a blood analysis will be stored in a state data bank and made available to federal, state, and local law-enforcement officers for law enforcement purposes.

WASHINGTON

Act approved March 27, 1990, ch. 230, 1990 Wash. Laws 1270 (codified as amended at WASH REV. CODE §§ 43.43.754, 43.43.758 (1991)).

This act prohibits the use of DNA identification data for any purpose not related to a criminal investigation. It also requires blood samples to be obtained from sex offenders prior to release from confinement.

Biotechnology**FEDERAL**

Biological Weapons Anti-Terrorism Act of 1989, Pub. L. No. 101-298, 104 Stat. 201 (1990) (codified at 18 U.S.C. §§ 175 to 178 (1991)).

This act was passed to protect the United States against the threat of biological terrorism. It criminalizes the development, production, and possession of any biological agent for use as a weapon. The assistance of a foreign state in using biological agents in this way is also made a crime. However, the act is not intended to restrict peaceful scientific research.

CALIFORNIA

Act approved July 13, 1990, ch. 252, 1990 Cal. Stat. ____ (codified as amended at CAL FOOD & AGRIC CODE § 2272 (West 1991)).

This act requires county agricultural commissioners to report annually on the condition of the agricultural interests in the county, such as the control of pests. Information relating to biotechnology must be included in the annual report.

Act approved September 30, 1990, ch. 1642, 1990 Cal. Stat. ____ (codified as amended at CAL. FOOD & AGRIC. CODE §§ 576 to 585 (West 1991)).

To strengthen pest prevention, control, and eradication efforts, this act creates an administrative structure within the University of California to advance pest research. The University of California Center for Pest Research is encouraged to give high priority to, among other things, improvements in technology designed to detect pests.

OKLAHOMA

Oklahoma Agriculture Biotechnology Act, ch. 226, 1990 Okla. Sess. Laws 755 (codified at OKLA. STAT. tit. 2, §§ 2011 to 2018 (1991)).

The purpose of this act is to protect agriculture and public health from release of genetically engineered biological articles into the environment. It authorizes the State Board of Agriculture to promulgate rules and regulations needed for control of these articles. Persons must meet certain regulatory requirements before being able to maintain regulated articles.

Health Risks of Electric and Magnetic Fields

WASHINGTON

Act approved March 26, 1990, ch. 173, 1990 Wash. Laws 1078 (codified as amended at WASH. REV. CODE § 70.98.050 (1991)).

This act directs a state agency to collect and disseminate information relating to nonionizing radiation. It was passed out of concern about possible health effects resulting from exposure to electric and magnetic fields.

Using Animals for Research

COLORADO

Act approved April 16, 1990, ch. 264, 1990 Colo. Sess. Laws 1614 (codified at COLO. REV. STAT. § 35-42.5-101 (1991)).

This act requires pounds and shelters to make dogs and cats available for adoption for two weeks before allowing them to be used for experiments and to make reasonable efforts to contact the animal's owner. "Red tagging" (isolating dogs and cats suitable for adoption) is prohibited, and pounds or shelters that provide dogs and cats for experimentation must so inform an owner who is relinquishing one.

VIRGINIA

Act approved April 18, 1990, ch. 904, 1990 Va. Acts 1646 (codified at VA. CODE ANN. § 3.1-796.96:1 (1991)).

This act provides that no animal bearing identification may be used for research without the owner's written consent.

Health Insurance Regulation**VIRGINIA**

H.J. Res. 213, 1990 Va. Acts 2345.

This resolution directs a commission to develop standards for distinguishing state-of-the-art medical treatments from those which are experimental or investigative (and thus not covered by insurance).

Health Care Programs**FEDERAL**

Breast and Cervical Cancer Mortality Prevention Act of 1990, Pub. L. No. 101-354, 104 Stat. 409 (codified at 42 U.S.C. §§ 1501 to 1509 (1991)).

This act establishes grants for states to perform breast and cervical cancer screening and provides quality standards for mammography programs and cytological screening procedures.

CALIFORNIA

Act approved March 15, 1990, ch. 26, 1990 Cal. Stat. ____ (codified at CAL. HEALTH & SAFETY CODE §§ 156 to 156.3 (West 1991)).

This act modifies an existing state prenatal testing program. Specifically, it provides for the use of ultrasound, chorionic villus sampling, and blood testing for genetic and birth defects, as well as such other tests as may be developed; previously, only amniocentesis was authorized. The act also repeals the requirement that prenatal centers be acute care hospitals.

Anatomical Gifts**CALIFORNIA**

Act approved September 29, 1990, ch. 1507, 1990 Cal. Stat. ____ (codified at CAL. HEALTH & SAFETY CODE § 7160 (West 1991)).

This act requires a state agency to evaluate and to make recommendations to improve organ transplantation services for the general public and for minority and low-income communities. It was passed in response to the severe shortage of donated organs.

LOUISIANA

Act approved July 31, 1990, No. 1091, 1990 La. Acts 2856 (codified as amended at LA. CIV. CODE ANN. art. 2322.1; LAREV. STAT. ANN § 9:2797 (West 1991)).

This act declares that blood transfusions, organ transplants, and related acts are renditions of medical services and not sales. Thus, strict liability does not apply to such services.

TENNESSEE

Act approved April 5, 1990, ch. 775, 1990 Tenn. Pub. Acts 265 (codified at TENN. CODE ANN. § 4-3-2011 (1991)).

This act establishes a centralized database of organ and tissue donors to provide continuous information to donor service agencies.

Uniform Anatomical Gift Act

The following acts adopt the 1987 version of the Uniform Anatomical Gift Act, which was drafted to further encourage and facilitate organ donation. These acts generally allow certain close family members of a decedent to authorize donation of the decedent's anatomical parts, unless the decedent has previously objected to such a gift. Hospitals must set up a routine contact protocol to ensure that families of suitable donors are offered the opportunity to consider donation.

The donor and his estate are exempted from liability for injuries resulting from the use of an anatomical gift. Likewise, doctors who act in good faith to comply with the provisions of this law are exempted from criminal or civil liability for such acts.

The sale or purchase of body parts is expressly prohibited.

UTAH

Uniform Anatomical Gift Act, ch. 131, 1990 Utah Laws 451 (codified at UTAH CODE ANN. §§ 26-28-9 to 26-28-12 and as amended at UTAH CODE ANN. §§ 26-28-1 to 26-28-8 (1991)).

VERMONT

Act approved June 21, 1990, No. 273, 1990 Vt. Laws 440 (codified at VT. STAT. ANN tit. 18, §§ 5238 to 5247; tit. 9A, § 2-108 (1991)).

VIRGINIA

Act approved April 18, 1990, ch. 959, 1990 Va. Acts 1829 (codified at VA. CODE ANN. §§ 32.1-290.1, 32.1-292.2 and as amended at VA. CODE ANN. §§ 32.1-289 to 32.1-291 (1991)).

WISCONSIN

Act approved April 23, 1990, Act 298, 1989 Wis. Laws 1303 (codified as amended at WIS. STAT. §§ 146.025, 157.06, 343.14 to 343.17, 343.175, 343.50, 979.22 (1991)).

WYOMING

Act approved March 15, 1990, ch. 18, 1990 Wyo. Sess. Laws 38 (codified at WYO. STAT. §§ 35-5-113 to 35-5-117 and as amended at scattered sections of WYO. STAT. (1991)).

Prosthetics

The following acts help provide prosthetic devices to persons with developmental disabilities.

FEDERAL

Developmental Disabilities Assistance and Bill of Rights Act of 1990, Pub. L. No. 101-496, § 17, 104 Stat. 1191, 1200-03.

This act provides in part for grants to university affiliated programs to provide training to personnel to provide assistive technology services to persons with developmental disabilities.

CALIFORNIA

Act approved September 26, 1990, ch. 1381, 1990 Cal. Stat. ____ (codified as amended at CAL. WELF. & INST. CODE § 14132.76 (West 1991)).

This act provides for a two year pilot program increasing the availability of prosthetic devices to participants in Medi-Cal, the state's medical assistance program for low-income residents. The goal of the pilot program is to facilitate Medi-Cal cost savings by encouraging increased use of prosthetic devices as an alternative to hospitalization. Under this program, no prior physician authorization is required to qualify for Medi-Cal reimbursement for

prosthetic devices which do not exceed \$500 or for orthotic devices which do not exceed \$250.

RHODE ISLAND

Act approved July 12, 1990, ch. 417, 1990 R.I. Pub. Laws ____ (codified at R.I. GEN. LAWS §§ 40-14.1-1 to 40-14.1-6 (1991)).

This act authorizes a program to provide assistive technology services to individuals with disabilities who are otherwise unable to afford such services. Such services are defined as including the acquiring of assistive technology devices, the designing and maintenance of such devices, and training in the use of such devices.

Telecommunications Relay Services for the Hearing or Speech Impaired

Except as otherwise noted, these acts establish telecommunications relay services for persons who are hearing or speech impaired. Such persons generally use teletypewriters and other equipment to conduct telephone communications. The telecommunications relay services provided for by these acts translate such communications between persons using such special equipment and persons using standard telephone equipment.

Most of these acts prohibit special user fees on the users of the relay services, requiring the cost to be apportioned among all local telephone users via surcharge. Also, because the relay services require third-party intermediaries who have access to the communications, some of these acts require that the relayed communications be kept confidential.

FEDERAL

Americans with Disabilities Act of 1990, Pub. L. 101-336, § 401, 104 Stat. 327, 366-69 (codified at 47 U.S.C. § 225 (1991)).

This act does not itself establish a relay service but rather requires all telecommunications common carriers to offer telecommunications relay services to its subscribers.

GEORGIA

Act approved April 11, 1990, S.B. 591, 1990 Ga. Laws 1118 (codified at GA. CODE ANN § 46-5-31 and as amended at GA. CODE ANN. § 46-5-30 (1991)).

MAINE

Act approved April 17, 1990, ch. 851, 1989 Me. Laws 1983 (codified at ME. REV. STAT. ANN. tit. 35-A, §§ 8701 to 8704 and as amended at ME. REV. STAT. ANN. tit. 3, § 927-7; tit. 5, § 12004-I; tit 22, §§ 3601, 3602 (1991)).

This act establishes user fees to pay for the cost of the relay service rather than placing the cost on all local telephone users via surcharge.

MISSOURI

Act approved July 10, 1990, H.B. 1132, 1990 Mo. Laws 738 (codified at MO. ANN. STAT. §§ 209.251 to 209.259 (Vernon Supp. 1991)).

This act makes no provision for maintaining the confidentiality of relayed transmissions.

RHODE ISLAND

Act approved July 3, 1990, ch. 135, 1990 R.I. Pub. Laws ____ (codified at R.I. GEN. LAWS § 39-23-5 (1991)).

This act adds a confidentiality requirement to previous legislation that had already established a statewide telephone relay service.

WASHINGTON

Act approved March 19, 1990, ch. 89, 1990 Wash. Laws 722, (codified as amended at WASH. REV. CODE §§ 43.20A.720, 43.20A.725, and 43.20A.730 (1991)).

The act makes no provision for maintaining the confidentiality of relayed transmissions.

Closed Captioned Television Transmissions**FEDERAL**

Television Decoder Circuitry Act of 1990, Pub. L. No. 101-431, 104 Stat. 960 (codified as amended at 47 U.S.C. §§ 303, 330 (1991)).

This act requires that televisions with screens 13 inches or greater in size be designed to display closed captioned television transmissions without the use of external decoders. This requirement applies to all televisions either manufactured in the United States or imported for use within the United States. The Act also establishes performance and display standards of the required built-in decoder circuitry.

Americans with Disabilities Act of 1990, Pub. L. 101-336, § 402, 104 Stat. 327, 369 (codified at 47 U.S.C. § 225 (1991)).

This act requires that all television public service announcements produced or funded in whole or in part by the Federal Government include closed captioning of the verbal content of such announcement.