

Walt Brooks proposes the following substitute bill:

Genetic Information Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses the use of genetic sequencing tools and the storage of genetic sequencing data.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits the use of certain genetic sequencers and genetic sequencing software;
- prohibits genetic sequencing data from being stored within the boundaries of a foreign adversary;
- requires relevant entities to certify compliance with genetic sequencing requirements and imposes security requirements for the storage of genetic data;
- authorizes the attorney general to investigate alleged violations of genetic sequencing requirements, and initiate civil actions for those violations; and
- provides protections for an employee who reports a suspected violation of genetic sequencing requirements to the attorney general.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26B-2-244, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26B-2-244** is enacted to read:

26B-2-244 . Genetic sequencing -- Storage of genetic information -- Enforcement.**(1) As used in this section:**

- (a) "DNA" means deoxyribonucleic acid.
- (b) "Domicile" means the country where:
 - (i) a company is registered and headquartered;
 - (ii) a company's affairs are primarily completed; or
 - (iii) the majority of a company's ownership share is held.
- (c) "Foreign adversary" means a foreign adversary identified in 15 C.F.R. Sec. 791.4.
- (d) "Genetic sequencer" means a device or platform used to conduct genetic sequencing, resequencing, isolation, or other similar genetic research.
- (e) "Genetic sequencing" means a method to determine the identity and order of nucleotide bases in the human genome.
- (f) "Genomic research facility" means a facility that conducts research on, with, or relating to genetic sequencing or the human genome.
- (g) "Human genome" means a complete set of nucleic acid sequences for a human, encoded as the DNA within each of the 23 distinct chromosomes in the cell nucleus.
- (h) "Medical facility" means a facility for the delivery of health services that:
 - (i) receives public funds, including pass-through appropriations from the federal government;
 - (ii) is registered to provide health care services in the state; or
 - (iii) conducts research or testing on, with, or relating to genetic sequencing or the human genome.
- (i) "Operational and research software" means a computer program used for the operation, control, analysis, or other necessary functions of genetic sequencing or a genetic sequencer.
- (j) "RNA" means ribonucleic acid.
- (k) "Software" means a program or routine, or a set of one or more programs or routines, used or intended for use to cause one or more computers or pieces of computer-related peripheral equipment, to perform a task or set of tasks related to genetic sequencing or a genetic sequencer.

- (2)(a) A medical facility or genomic research facility may not use a genetic sequencer or operational and research software that is produced in or by a foreign adversary, a foreign adversary's state-owned enterprise, a person domiciled within a foreign adversary, or an owned or controlled subsidiary or affiliate of a person domiciled

63 within a foreign adversary.

64 (b) A medical facility or genomic research facility with a genetic sequencer or genetic
65 sequencing device prohibited under Subsection (2)(a) that is not permanently
66 disabled shall:

67 (i) remove or permanently disable the genetic sequencer or genetic sequencing
68 device; and

69 (ii) use a genetic sequencer or genetic sequencing device that is not prohibited by
70 Subsection (2)(a).

71 (3)(a) A medical facility, genomic research facility, or other person that stores genetic
72 sequencing data may not store the data within the boundaries of a foreign adversary.

73 (b) Remote access to genetic sequencing data storage, other than open data, from outside
74 the United States is prohibited unless approved in writing by the department.

75 (c) A medical facility, genomic research facility, or other person that stores genetic
76 sequencing data, including through a contract with a third-party data storage
77 provider, shall ensure the security of the genetic sequencing data by using reasonable
78 encryption methods, restrictions on access, and other cybersecurity best practices.

79 (4)(a) Beginning December 31, 2025, and by December 31 of each subsequent year,
80 each medical facility and genomic research facility that is subject to this section shall
81 provide a sworn statement to the attorney general and the department confirming that
82 the medical facility or genomic research facility is in compliance with the
83 requirements of this section.

84 (b) A person that violates Subsection (2) is subject to a fine of \$10,000 per violation,
85 enforceable beginning July 1, 2025.

86 (c) For the purposes of Subsection (4)(b), each unique instance of a human genome
87 undergoing genetic sequencing or analysis using a prohibited genetic sequencer or
88 prohibited operational and research software is a separate violation.

89 (d) A person that knowingly violates the provisions of Subsection (3) by storing genetic
90 sequencing data outside of the United States is subject to a fine of \$10,000 per
91 violation, enforceable beginning July 1, 2025.

92 (5)(a) The attorney general has the sole authority to enforce the provisions of this section.

93 (b) Any person may notify the attorney general of a violation or potential violation of
94 this section, and the attorney general may investigate an alleged violation of this
95 section and institute appropriate actions regarding suspected violations.

96 (c) The attorney general may initiate a civil action against a person for violating

97 Subsection (2) or (3).

98 (d) In an action to enforce Subsection (2) or (3), the attorney general may recover:

99 (i) actual damages;

100 (ii) costs;

101 (iii) attorney fees; and

102 (iv) \$10,000 for each violation of Subsection (2) or (3).

103 (6) An employer may not take an adverse employment action against an employee if:

104 (a) the employee notifies the attorney general of a violation or potential violation of this
105 section; and

106 (b) the adverse employment action is based on the employee notifying the attorney
107 general regarding the violation.

108 (7) If any provision of this section, or the application of any provision to any person or
109 circumstance, is held to be invalid, that holding does not affect the remainder of this
110 section or the application of this section's provisions to any other person or circumstance.

111 **Section 2. Effective Date.**

112 This bill takes effect on May 7, 2025.