

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;
- creates civil penalties for violations of genetic sequencing requirements; and
- authorizes the attorney general to investigate alleged violations of genetic sequencing requirements.

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 DNA found in human cells or RNA found in human cells.
 - (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 within a foreign adversary.
- (b) A medical facility or genomic research facility with a genetic sequencer or genetic

63 sequencing device prohibited under Subsection (2)(a) that is not permanently
64 disabled shall:

65 (i) remove or permanently disable the genetic sequencer or genetic sequencing
66 device; and

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

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

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

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

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

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

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

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

90 (5)(a) Any person may notify the attorney general of a violation or potential violation of
91 this section.

92 (b) An employer may not take an adverse employment action against an employee if:

93 (i) the employee notifies the attorney general of a violation or potential violation of
94 this section; and

95 (ii) the adverse employment action is based on the employee notifying the attorney
96 general regarding the violation.

(c) If an individual is a patient or research subject of a person that violates Subsection (2), and the individual's genetic information was used in the violation, that individual is entitled to recover statutory damages of not less than \$1,000 for each unique use of the individual's genomic information in violation of Subsection (2).

(d) If an individual is a patient or research subject of a person that violates Subsection (3), and the individual's genetic information was used in the violation, that individual is entitled to recover statutory damages of not less than \$1,000 for each unique use of the individual's genomic information in violation of Subsection (3).

(6) The attorney general may investigate alleged violations of this section and institute appropriate actions regarding those suspected violations.

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

Section 2. Effective Date.

This bill takes effect on May 7, 2025.