

HB0548S04 compared with HB0548S01

~~{Omitted text}~~ shows text that was in HB0548S01 but was omitted in HB0548S04
inserted text shows text that was not in HB0548S01 but was inserted into HB0548S04

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1

Genetic Information Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Walt Brooks
Senate Sponsor:



2

3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ prohibits the use of certain genetic sequencers and genetic sequencing software;
- 11 ▶ ~~{prohibits}~~ prescribes requirements and restrictions related to the storage of genetic sequencing
data ~~{from being stored within the boundaries of a foreign adversary}~~ ;
- 13 ▶ requires relevant entities to certify compliance with genetic sequencing requirements ~~{and~~
imposes security requirements for the storage of genetic data} ;
- 15 ▶ ~~{creates civil penalties for violations of genetic sequencing requirements; and}~~
- 16 ▶ authorizes the attorney general to investigate alleged violations of genetic sequencing
requirements~~{-}~~ , and initiate civil actions for those violations; and
- 15 ▶

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provides protections for an employee who reports a suspected violation of genetic sequencing requirements to the attorney general.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

22 ENACTS:

23 **26B-2-244** , Utah Code Annotated 1953 , Utah Code Annotated 1953

24

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

26 Section 1. Section 1 is enacted to read:

27 **26B-2-244. Genetic sequencing -- Storage of genetic information -- Enforcement.**

29 (1) As used in this section:

30 (a) "DNA" means deoxyribonucleic acid.

31 (b) "Domicile" means the country where:

32 (i) a company is registered and headquartered;

33 (ii) a company's affairs are primarily completed; or

34 (iii) the majority of a company's ownership share is held.

35 (c) "Foreign adversary" means a foreign adversary identified in 15 C.F.R. Sec. 791.4.

36 (d) "Genetic sequencer" means a device or platform used to conduct genetic sequencing, resequencing, isolation, or other similar genetic research.

38 (e) "Genetic sequencing" means a method to determine the identity and order of nucleotide bases in the human genome.

40 (f) "Genomic research facility" means a facility that conducts research on, with, or relating to genetic sequencing or the human genome.

42 (g) "Human genome" means {DNA found in human cells or RNA found} a complete set of nucleic acid sequences for a human, encoded as the DNA within each of the 23 distinct chromosomes in {human cells} the cell nucleus.

43 (h) "Medical facility" means a facility for the delivery of health services that:

44 (i) receives public funds, including pass-through appropriations from the federal government;

46 (ii) is registered to provide health care services in the state; or

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- 47 (iii) conducts research or testing on, with, or relating to genetic sequencing or the human genome.
49 (i)
(i) "Open data" means genetic sequencing data that is available in the public domain, including in
publicly available and open sources repositories, databases, or publications.
- 52 (ii) "Open data" includes genetic sequencing data derived from standard research cell lines.
49 ~~{(i)}~~ (j) "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.
- 52 ~~{(j) {"RNA" means ribonucleic acid.}}~~
- 53 (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.
- 57 (2)
(a) A medical facility or genomic research facility may not use a genetic sequencer or operational and
research software that is a final product produced in or by , or distributed 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.
- 62 (b) A medical facility or genomic research facility with a genetic sequencer or genetic sequencing
device prohibited under Subsection (2)(a) that is not permanently disabled shall:
- 65 (i) remove or permanently disable the genetic sequencer or genetic sequencing device; and
67 (ii) use a genetic sequencer or genetic sequencing device that is not prohibited by Subsection (2)(a).
- 69 (3)
(a) A medical facility, genomic research facility, or other person that stores genetic 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 } by a person
within the { United States } boundaries of a foreign adversary is prohibited unless approved in
writing by the department.
- 73 (c) A medical facility, genomic research facility, or other person that stores genetic sequencing
data other than open data, including through a contract with a third-party data storage provider,
shall ensure the security of the genetic sequencing data by using reasonable encryption methods,
restrictions on access, and other cybersecurity best practices.
- 77 (4)

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(a) Beginning December 31, ~~{2025}~~ 2026, and by December 31 of each subsequent year, each medical facility and genomic research facility that is subject to this section shall provide a sworn statement to the attorney general and the department confirming that the medical facility or genomic research facility is in compliance with the requirements of this section.

82 (b) A person that violates Subsection (2) is subject to a fine of \$10,000 per violation, enforceable beginning ~~{July}~~ May 1, {2025} 2026.

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

87 (d) A person that knowingly violates the provisions of Subsection ~~{(3)}~~ (3)(a) by storing genetic sequencing data ~~{outside of}~~ within the ~~{United States}~~ boundaries of a foreign adversary is subject to a fine of \$10,000 per violation, enforceable beginning ~~{July}~~ May 1, {2025} 2026.

90 (5)

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

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

100 (c) The attorney general may initiate a civil action against a person for violating Subsection (2) or (3).

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

103 (i) actual damages;

104 (ii) costs;

105 (iii) attorney fees; and

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

92 ~~{(b)}~~ (6) An employer may not take an adverse employment action against an employee if:

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

95 ~~{(ii)}~~ (b) the adverse employment action is based on the employee notifying the attorney general regarding the violation.

97 ~~{(e)}~~ {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

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recover statutory damages of not less than \$1,000 for each unique use of the individual's genomic information in violation of Subsection (2).}

101 {(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).}}

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

107 (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.

115 Section 2. **Effective date.**

This bill takes effect on May {7, 2025} 1, 2026.

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