

Walt Brooks proposes the following substitute bill:

Genetic Information Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor:

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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:

29 **26B-2-244 . Genetic sequencing -- Storage of genetic information -- Enforcement.**30 (1) As used in this section:31 (a) "DNA" means deoxyribonucleic acid.32 (b) "Domicile" means the country where:33 (i) a company is registered and headquartered;34 (ii) a company's affairs are primarily completed; or35 (iii) the majority of a company's ownership share is held.36 (c) "Foreign adversary" means a foreign adversary identified in 15 C.F.R. Sec. 791.4.37 (d) "Genetic sequencer" means a device or platform used to conduct genetic sequencing,
38 resequencing, isolation, or other similar genetic research.39 (e) "Genetic sequencing" means a method to determine the identity and order of
40 nucleotide bases in the human genome.41 (f) "Genomic research facility" means a facility that conducts research on, with, or
42 relating to genetic sequencing or the human genome.43 (g) "Human genome" means a complete set of nucleic acid sequences for a human,
44 encoded as the DNA within each of the 23 distinct chromosomes in the cell nucleus.45 (h) "Medical facility" means a facility for the delivery of health services that:46 (i) receives public funds, including pass-through appropriations from the federal
47 government;48 (ii) is registered to provide health care services in the state; or49 (iii) conducts research or testing on, with, or relating to genetic sequencing or the
50 human genome.51 (i) "Operational and research software" means a computer program used for the
52 operation, control, analysis, or other necessary functions of genetic sequencing or a
53 genetic sequencer.54 (j) "RNA" means ribonucleic acid.55 (k) "Software" means a program or routine, or a set of one or more programs or routines,
56 used or intended for use to cause one or more computers or pieces of
57 computer-related peripheral equipment, to perform a task or set of tasks related to
58 genetic sequencing or a genetic sequencer.59 (2)(a) A medical facility or genomic research facility may not use a genetic sequencer or
60 operational and research software that is produced in or by a foreign adversary, a
61 foreign adversary's state-owned enterprise, a person domiciled within a foreign
62 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.