

## **BILL ANALYSIS**

Senate Research Center

H.B. 4377  
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Health & Human Services  
5/16/2025  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The bill author has informed the committee that the Department of Family and Protective Services (DFPS) may collect genetic material, such as DNA samples, in certain child welfare cases—particularly for the purpose of establishing paternity; however, the long-term retention of this sensitive genetic data after its original purpose has been fulfilled may pose risks to individual privacy, especially when the data is unrelated to any ongoing investigation or legal matter. The bill author has further informed the committee that without clear statutory guidelines, there is uncertainty around how long genetic material and related information can be stored, how it may be used in the future, and whether individuals have any control over their genetic data once submitted. H.B. 4377 seeks to protect the privacy rights of individuals involved in child welfare cases and prevent misuse of or unauthorized access to sensitive personal data by ensuring that genetic material and genetic information collected solely for paternity determination is not retained indefinitely by DFPS.

H.B. 4377 amends current law relating to the retention of certain genetic material and genetic information by the Department of Family and Protective Services.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 40, Human Resources Code, by adding Section 40.084, as follows:

Sec. 40.084. RETENTION OF GENETIC MATERIAL AND GENETIC INFORMATION. (a) Defines "DNA," "genetic information," "genetic material," "genetic test," and "testing laboratory."

(b) Requires the Department of Family and Protective Services (DFPS) and any testing laboratory used by DFPS, except as provided by Subsection (c), to promptly destroy any genetic material and delete any genetic information obtained from an individual for the purpose of a genetic test after the purpose for which the sample was obtained is accomplished.

(c) Requires DFPS to retain the results of a genetic test. Provides that the results of a genetic test are confidential under Section 40.005 (Confidentiality of Information).

SECTION 2. Provides that, not later than January 1, 2026, any testing laboratory used by DFPS is required to destroy all genetic material and delete genetic information as required by Section 40.084, Human Resources Code, as added by this Act.

SECTION 3. Effective date: September 1, 2025.