

BILL ANALYSIS

C.S.H.B. 4377
By: Villalobos
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4377 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS) and any testing laboratory used by DFPS 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. The bill requires DFPS and a testing laboratory to retain the results of a genetic test. The results of a genetic test are confidential under statutory provisions relating to the confidentiality of DFPS information.

C.S.H.B. 4377 defines the following terms:

- "genetic information" as information related to the genetic characteristics of an individual or the individual's family that is derived from the results of a genetic analysis;
- "genetic material" as blood or another specimen that contains DNA;
- "genetic test" as an analysis of an individual's genetic material to determine paternity; and
- "testing laboratory" as any entity DFPS contracts with for the provision of laboratory services, including genetic testing.

C.S.H.B. 4377 requires DFPS and any testing laboratory used by DFPS, not later than January 1, 2026, to destroy all genetic material and delete genetic information as required by the bill's provisions.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4377 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced required DFPS to promptly destroy any genetic material and delete any genetic information obtained from an individual for the purpose of determining paternity after the purpose for which the sample was obtained is accomplished, the substitute requires DFPS and any testing laboratory used by DFPS 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.

The substitute includes the following provisions absent from the introduced:

- a requirement for DFPS and a testing laboratory to retain the results of a genetic test;
- a provision establishing that the results of a genetic test are confidential under statutory provisions relating to the confidentiality of DFPS information; and
- provisions defining the terms "genetic test" and "testing laboratory."

While both the introduced and substitute require DFPS, not later than January 1, 2026, to destroy all genetic material and delete genetic information as required by the bill's provisions, the substitute expands the applicability of the requirement to any testing laboratory used by DFPS.