

By: Hughes

S.B. No. 2429

A BILL TO BE ENTITLED

AN ACT

relating to genetic information security for residents of this state; providing a civil penalty; providing a private cause of action.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 174 to read as follows:

CHAPTER 174. SECURITY OF GENETIC INFORMATION

Sec. 174.001. SHORT TITLE. This chapter may be cited as the Texas Genomic Act of 2025.

Sec. 174.002. DEFINITIONS. In this chapter:

(1) "Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company that exists to make a profit. The term includes a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations.

(2) "Domicile" means the country in which:

(A) a company or nonprofit organization is formed, incorporated, or registered and headquartered;

(B) a company's or nonprofit organization's affairs are primarily conducted; or

(C) the majority of the company's ownership

1 shares are held.

2 (3) "Foreign adversary" has the meaning assigned by 15
3 C.F.R. Section 791.4(a).

4 (4) "Genome sequencer" means any device or platform
5 used to conduct genome sequencing, resequencing, or isolation or
6 other genome research.

7 (5) "Genome sequencing" means any method used to
8 determine the identity and order of nucleotide bases in the human
9 genome.

10 (6) "Human genome" means the set of DNA found in human
11 cells.

12 (7) "Medical facility" means a facility licensed or
13 registered by a state or federal agency to provide health care
14 services that receives any state funding, including pass-through
15 federal money provided to a state agency for grant awards.

16 (8) "Software" means computer programs and related
17 equipment used for genome sequencing or the operation, control,
18 analysis, research, or other functions of genome sequencers.

19 Sec. 174.003. APPLICABILITY. This chapter applies to a
20 medical facility, research facility, company, or nonprofit
21 organization that conducts research on or testing of genome
22 sequencing or the human genome in this state.

23 Sec. 174.004. PURPOSE AND LEGISLATIVE POLICY. (a) The
24 purpose of this chapter is to ensure that a medical facility,
25 research facility, company, or nonprofit organization subject to
26 this chapter and acting on behalf of a foreign adversary does not
27 gain access to the genetic information of residents of this state.

1 (b) The policy of this state is to:

2 (1) oppose the collection and analysis of genomic
3 information by a foreign adversary or for use by a foreign
4 adversary; and

5 (2) support sanctions the United States Department of
6 Commerce or the United States Department of Defense imposes on a
7 medical facility, research facility, company, or nonprofit
8 organization engaged in the collection and analysis of genomic
9 information for use by a foreign adversary.

10 Sec. 174.005. PROHIBITED USE OF CERTAIN GENOME SEQUENCERS
11 AND GENOME SEQUENCING TECHNOLOGIES. A medical facility, research
12 facility, company, or nonprofit organization subject to this
13 chapter may not use a genome sequencer or software produced by or on
14 behalf of:

15 (1) a foreign adversary;
16 (2) a state-owned enterprise of a foreign adversary;
17 (3) a company or nonprofit organization domiciled
18 within the borders of a country that is a foreign adversary; or

19 (4) an owned or controlled subsidiary or affiliate of
20 a company or nonprofit organization domiciled within the borders of
21 a country that is a foreign adversary.

22 Sec. 174.006. REQUIREMENTS FOR GENOMIC INFORMATION
23 STORAGE. (a) A medical facility, research facility, company, or
24 nonprofit organization subject to this chapter shall store all
25 genome sequencing data of residents of this state only at a location
26 in the United States.

27 (b) A medical facility, research facility, company, or

nonprofit organization subject to this chapter that stores genome sequencing data of residents of this state, including storage of genome sequencing data through a contract with a third-party data storage company, shall ensure the security of the genome sequencing data using reasonable encryption methods, restriction on access, and other cybersecurity best practices.

(c) Except as authorized by the attorney general under Subsection (d), a medical facility, research facility, company, or nonprofit organization subject to this chapter shall ensure genome sequencing data of residents of this state, other than open data, is inaccessible to any person located outside of the United States.

(d) A medical facility, research facility, company, or nonprofit organization subject to this chapter that stores genome sequencing data of residents of this state may apply to the attorney general in the form and manner prescribed by attorney general rule to allow remote access to genome sequencing data of residents of this state by persons located outside of the United States. The attorney general may allow remote access to genome sequencing data of residents of this state only if the attorney general determines that:

(1) remote access is necessary for the facility, company, or organization to perform its functions;

(2) appropriate security safeguards are implemented for remote access; and

(3) remote access is not available to any person located within the borders of a country that is a foreign adversary.

Sec. 174.007. REQUIRED ANNUAL CERTIFICATION OF COMPLIANCE.

1 (a) Not later than December 31 of each year, a medical facility,
2 research facility, company, or nonprofit organization subject to
3 this chapter shall certify to the attorney general that the
4 facility, company, or organization is in compliance with this
5 chapter.

6 (b) An attorney representing a medical facility, research
7 facility, company, or nonprofit organization subject to this
8 chapter shall submit the certification required under Subsection
9 (a).

10 Sec. 174.008. INVESTIGATIVE AUTHORITY OF ATTORNEY GENERAL.

11 (a) The attorney general may investigate an allegation of a
12 violation of this chapter.

13 (b) Any person may notify the attorney general of a
14 violation or potential violation of this chapter.

15 Sec. 174.009. CIVIL PENALTY. (a) A medical facility,
16 research facility, company, or nonprofit organization that
17 violates this chapter is liable to this state for a civil penalty of
18 \$10,000 for each violation.

19 (b) The attorney general may bring an action to recover the
20 civil penalty imposed under this section.

21 (c) An action under this section may be brought in a
22 district court in:

23 (1) Travis County; or

24 (2) a county in which any part of the violation occurs.

25 (d) The attorney general shall deposit a civil penalty
26 collected under this section in the state treasury to the credit of
27 the general revenue fund.

1 (e) The attorney general may recover reasonable expenses
2 incurred in obtaining a civil penalty under this section, including
3 court costs, reasonable attorney's fees, investigative costs,
4 witness fees, and deposition expenses.

5 Sec. 174.010. PRIVATE CAUSE OF ACTION. (a) A resident of
6 this state who is a patient or research subject of a medical
7 facility, research facility, company, or nonprofit organization
8 subject to this chapter and who is harmed by the storage or use of
9 the patient's or subject's genome sequencing data in violation of
10 this chapter may bring an action against the facility, company, or
11 organization that violated this chapter and is entitled to obtain:

12 (1) the greater of:

13 (A) actual damages; or

14 (B) statutory damages in an amount not to exceed
15 \$5,000 for each violation; and

16 (2) court costs and reasonable attorney's fees.

17 (b) Sections 41.003 and 41.004, Civil Practice and Remedies
18 Code, do not apply to an action brought under this section.

19 SECTION 2. The change in law made by this Act applies only
20 to a cause of action that accrues on or after the effective date of
21 this Act. A cause of action that accrues before the effective date
22 of this Act is governed by the law in effect on the date the cause of
23 action accrued, and the former law is continued in effect for that
24 purpose.

25 SECTION 3. This Act takes effect September 1, 2025.