

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii  
Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred S.B. No. 2032, S.D. 2, entitled:  
"A BILL FOR AN ACT RELATING TO GENETIC INFORMATION PRIVACY,"

begs leave to report as follows:

The purpose of this measure is to protect the privacy and confidentiality of genetic data of consumers who use the products or services of direct-to-consumer genetic testing companies by requiring these companies to adhere to certain requirements pertaining to the collection, use, and disclosure of genetic data.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from Quest Diagnostics and Coalition for Genetic Data Protection.

Your Committee finds that the number of companies offering direct-to-consumer genetic tests, along with the range of information on the health conditions and traits covered by these tests, has been growing. Your Committee further finds that there is little oversight or regulation of direct-to-consumer genetic testing companies, particularly pertaining to the privacy and confidentiality of a consumer's genetic information. This measure ensures a consumer's genetic information privacy is protected by establishing certain requirements pertaining to the collection, use, and disclosure of genetic data by direct-to-consumer genetic testing companies.

Your Committee has amended this measure by:

- (1) Clarifying that direct-to-consumer genetic testing companies do not include covered entities subject to the Health Insurance Portability and Accountability Act of 1996;
- (2) Clarifying that violations of the Hawaii Genetic Information Privacy Act are subject to penalties under the State's anti-trust law;
- (3) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2032, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2032, S.D. 2, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on behalf of the members of the Committee on  
Health, Human Services, & Homelessness,

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RYAN I. YAMANE, Chair