

CONFERENCE COMMITTEE REP. NO. 67-22

Honolulu, Hawaii

, 2022

RE: S.B. No. 2032
S.D. 2
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii
Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2032, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO GENETIC INFORMATION PRIVACY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish the Hawaii Genetic Information Privacy Act, which:

(1) Requires direct-to-consumer genetic testing companies to adhere to certain requirements pertaining to the collection, use, and disclosure of genetic data; and

(2) Deems any violation as an unfair or deceptive trade practice subject to associated penalties.

Your Committee on Conference finds that direct-to-consumer genetic tests, which provide consumers with direct access to their genetic information without the involvement of health care providers and health plans, are marketed directly to consumers and purchased by consumers online or in stores. Consumers provide DNA samples to the direct-to-consumer genetic testing company, which then analyzes the DNA samples for genetic variations that fit the purpose of the test. Your Committee on Conference finds that while direct-to-consumer genetic testing promotes awareness of genetic diseases and can assist consumers in taking a proactive role in maintaining or improving their health and wellness, there is currently little oversight or regulation with respect to how the privacy and confidentiality of a consumer's genetic information are protected. This measure establishes the Hawaii Genetic Information Privacy Act to protect consumers' privacy and confidentiality of genetic data.

Your Committee on Conference has amended this measure by:

(1) Specifying that a violation of the Hawaii Genetic Information Privacy Act shall result in a civil penalty of not less than \$2,500;

(2) Authorizing the Office of Consumer Protection, by and through the Attorney General, to bring civil actions for violations of the Hawaii Genetic Information Privacy Act; and

(3) Changing the effective date to upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2032, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2032, S.D. 2, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

RYAN I. YAMANE
Co-Chair

JARRETT KEOHOKALOLE
Chair

AARON LING JOHANSON
Co-Chair

ROSALYN H. BAKER
Co-Chair

MARK M. NAKASHIMA
Co-Chair

LAURA ACASIO
Co-Chair