

February 25, 2022

The Honorable CT Wilson  
Chair, House Economic Matters Committee  
House Office Building, Room 230  
6 Bladen Street  
Annapolis, MD 21401

**RE: HOUSE BILL 962 – COMMERCIAL LAW – MARYLAND PERSONAL INFORMATION PROTECTION ACT – REVISIONS – SUPPORT WITH AMENDMENTS**

Dear Chair Wilson and Members of the Committee

On behalf of the Coalition for Genetic Data Protection (CGDP), a national coalition of the leading consumer genetic testing companies including 23andMe and Ancestry, we are writing to support House Bill 962 with amendments. Over the past several years, we have carefully considered the privacy and data protection issues incumbent with direct-to-consumer genetic testing services and agree with the bill sponsor and the proposed legislation that the genetic data held by our companies should be treated in the same manner as other personal information in the unlikely event of a data breach.

CGDP fully supports HB962 with an amendment to modernize the definition of “genetic information” included in the bill as introduced. The definition in the proposed legislation is from the 2008 federal “Genetic Information Nondisclosure Act” or GINA. That definition is outdated, limited in how it envisions genetic data is collected and used on behalf of modern consumers, and tailored specifically to anti-discrimination protections. The CGDP proposes the following definition be amended into the bill instead:

**(III) Genetic Data means any data, regardless of its format, that results from analysis of a biological sample of an individual, or from another source enabling equivalent information to be obtained, and concerns genetic material.**

- 1. Genetic material includes, but is not limited to, deoxyribonucleic acids (DNA), ribonucleic acids (RNA), genes chromosomes, alleles, genomes, alterations or modifications to DNA or RNA, single nucleotide polymorphisms (SNPs), uninterpreted data that results from analysis of the biological sample or other sources, and any information extrapolated, derived, or inferred therefrom.**

The proposed replacement definition better encapsulates all forms of genetic data, more accurately reflects the way genetic data is collected, held and used by modern direct-to-consumer genetic testing services, and is consistent with the definitions used in data breach statutes in other states, including California. The CDGP believes that, with the inclusion of the suggested definition, HB269 would ensure that consumers’ genetic data is subject to the secure and protective treatment required for other forms of personal information under the existing Maryland Personal Information Protection Act. The CGDP respectfully requests the Committee’s favorable consideration of House Bill 962 with the suggested definitional amendment.



Sincerely,

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Eric Heath  
Chief Privacy Officer  
*Ancestry*

A handwritten signature in black ink, appearing to read "Jacquie Haggarty". The signature is more abstract and stylized, with several loops and a long horizontal stroke.

Jacquie Haggarty  
VP, Deputy General Counsel & Privacy Officer  
*23andMe*

A handwritten signature in black ink, appearing to read "Steve Haro". The signature is cursive and somewhat stylized, with a prominent loop at the beginning.

Steve Haro  
Executive Director  
*Coalition for Genetic Data Protection*