

# COALITION FOR GENETIC DATA PROTECTION

February 23, 2021

The Honorable Luke Clippinger  
Chair, House Judiciary Committee  
House Office Building, Room 101  
6 Bladen Street  
Annapolis, MD 21401

Dear Chair Clippinger:

**HOUSE BILL 240 – CRIMINAL PROCEDURE – FORENSIC GENETIC GENEALOGICAL DNA  
ANALYSIS, SEARCHING, REGULATION AND OVERSIGHT TESTIMONY IN SUPPORT  
WITH AMENDMENTS**

The Coalition for Genetic Data Protection (CGDP) serves to provide a unified and proactive voice to advance policies that ensure the privacy and security of an individual's genetic data and enable responsible innovation. Consumer genetic testing can empower consumers to take a proactive role in their health, **wellness**, ethnicity, and origin in unprecedented ways – and millions of consumers have taken advantage of these opportunities. At the same time, genetic data provides unprecedented opportunities for the research community to better understand the role genetics play in our health and well-being as a human population. While we recognize the significant opportunities genetic testing and research present, we also support and advocate for reasonable and uniform privacy regulation that will ensure the responsible and ethical handling of every consumer's genetic data.

House Bill 240 (HB240), as introduced, establishes that certain forensic genetic genealogical DNA analysis and searches may not be initiated without a valid, designated legal process and lays out a framework for the use of commercially gathered genetic information for forensic purposes. Keeping with the intent of HB240, CGDP and its members have already implemented best practices around the privacy and protection of the genetic data they gather, including requiring a valid legal process for the disclosure of genetic data to law enforcement and full transparency around that disclosure. Therefore, CDGP is supportive of HB240 with amendments.

CGDP's proposed amendments (attached) would apply HB240 only to direct-to-consumer genetic service companies that participate in forensic genealogy searches and, therefore, permit the forensic searches that HB240 seeks to regulate. Under the proposed amendments, an organization that does **not** engage in or permit forensic searches of the genetic data it gathers would not be subject to the additional regulatory requirements created by the legislation. This has the benefit of incentivizing companies that gather and maintain genetic information to be strong stewards of that private information, particularly in regard to its use for forensic purposes.

Additionally, CGDP urges the adoption of amendments to HB240 that strike state licensure requirements by the Office of Healthcare Quality (OHCQ) for laboratories conducting SNP or other sequencing-base testing, so long as those laboratories are already certified under the Clinical Laboratory Improvement Amendments (CLIA). While HB240 seeks to answer the question of "if and when commercially-gathered genetic data should be accessed by law enforcement for forensic purposes", it does not question the underlying science of genetic research or laboratories performing genetic services, which are already highly regulated. The addition of another certification or licensure process for labs that are already CLIA-certified is redundant and unnecessary for the intent of the legislation and would create a new administrative burden for the both the labs and the regulatory body, in this case the OHCQ.

[geneticdataprotection.com](http://geneticdataprotection.com)



The CGDP thanks Delegate Shetty for his willingness to work with CGDP, its members and all stakeholders on this legislation and urges a favorable committee report on HB240 with the proposed amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Heath".

Eric Heath  
Chief Privacy Officer  
*Ancestry*

A handwritten signature in black ink, appearing to read "Jacquie Haggarty".

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

A handwritten signature in black ink, appearing to read "Steve Haro".

Steve Haro  
Executive Director  
*Coalition for Genetic Data Protection*

cc: