

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB308

Hearing Date: Tuesday February 07, 2023
Committee On: Banking, Commerce and Insurance
Introducer: Bostar
One Liner: Adopt the Genetic Information Privacy Act

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Aguilar, Ballard, Bostar, Dungan, Jacobson, Kauth, Slama, von Gillern

Nay:

Absent:

Present Not Voting:

Testimony:

Proponents:

Senator Eliot Bostar
Ritchie Engelhardt
Jane Seu

Representing:

Nebraska Legislature
Ancestry / Coalition for Genetic Data Protection
American Civil Liabilities Union of Nebraska

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 308 would adopt the Genetic Information Privacy Act (Act), an act seeking to protect consumers by providing for certain protections of their genetic information. The bill would provide, section by section, as follows:

Section 1 describes the statutes that will make up the Act.

Section 2 provides for definitions as used in the Act.

Section 3 states that the purpose of the Act is to safeguard the privacy, confidentiality, security, and integrity of a consumer's genetic data. In doing so this section provides duties and restrictions for direct-to-consumer genetic testing companies that handle genetic information. The section also allows the Attorney General to bring an action on behalf of a consumer to enforce the provisions of the Act.

Section 4 adds language that states that the Act will not apply to protected health information collected by a covered entity



or business associate as those terms are defined in 45 C.F.R. parts 160 and 164. The disclosure of genetic data pursuant to the Act must comply with all state and federal laws for the protection of privacy and security. The section also states that the Act shall not apply to protected health information collected by a covered entity or business associate governed by the privacy, security, and breach notification rules issued by the federal DHHS.

Explanation of amendments:

AM 270 would amend LB 308 by removing language specifying that the Attorney General may bring an action on behalf of a consumer. With the amendment, the section would read that the Attorney General may bring an action to enforce the provisions of the Genetic Information Privacy Act.

Julie Slama, Chairperson

