

Date of Hearing: April 21, 2026

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 1727 (Ta) – As Amended March 19, 2026

AS PROPOSED TO BE AMENDED

SUBJECT: Crimes: unlawful use of DNA

SYNOPSIS

The Genetic Information Privacy Act (GIPA) requires direct-to-consumer (DTC) genetic testing companies to receive consent from users regarding the use, maintenance, and disclosure of their genetic data. Users must be informed of relevant privacy policies as they pertain to their genetic material and may revoke their consent at any time. GIPA is specific to DTC genetic testing companies, however, and does not address the use of genetic data without consent by private entities.

The bill in print would have created a new crime for anyone who sells or transfers genetic data. However, this raised questions about extent of the underlying problem the bill was seeking to address. As proposed to be amended, the bill no longer creates a new crime. Instead, the bill will focus on developing a better understanding of the issue by directing local law enforcement agencies in the state to report the number of reports filed on the theft of deoxyribonucleic acid (DNA) and the status of those cases to the Attorney General. The Attorney General is required to create a yearly report to be distributed to the Legislature and posted on its website on the number of reports of the theft of DNA and the status of those cases. This analysis focuses on amended version of the bill.

This bill is author-sponsored. Because the bill will be amended in its entirety, registered support and opposition are no longer applicable.

The prior version of the bill was heard in Public Safety Committee, where it passed 9-0.

EXISTING LAW:

- 1) Creates the Genetic Information Privacy Act (GIPA) which requires a direct-to-consumer genetic testing company to do the following:
 - a. Provide clear and complete information regarding the company's policies and procedures for the collection, use, maintenance, and disclosure, as applicable, of genetic data by making available to a consumer the following:
 - i. A summary, written in plain language, of the company's privacy policy.
 - ii. A prominent and easily accessible privacy notice that includes, at a minimum, complete information about the company's data collection, consent, use, access, disclosure, maintenance, transfer, security, and retention and deletion practices, and information that clearly describes how to file a complaint alleging a violation.

- iii. A notice that the consumer's deidentified genetic or phenotypic information may be shared with or disclosed to third parties for research purposes in accordance with federal law.
- b. Obtain a consumer's express consent for collection, use, and disclosure of the consumer's genetic data, including, at a minimum, separate and express consent for each of the following:
 - i. The use of the genetic data collected through the genetic testing product or service offered to the consumer, including who has access to genetic data, and how genetic data may be shared, and the specific purposes for which it will be collected, used, and disclosed.
 - ii. The storage of a consumer's biological sample after the initial testing requested by the consumer has been fulfilled.
 - iii. Each use of genetic data or the biological sample beyond the primary purpose of the genetic testing or service.
 - iv. Each transfer or disclosure of the consumer's genetic data or biological sample to a third party other than to a service provider, including the name of the third party to which the consumer's genetic data or biological sample will be transferred or disclosed.
 - v. The marketing or facilitation of marketing to a consumer based on the consumer's genetic data or the marketing or facilitation of marketing by a third party based upon the consumer having ordered, purchased, received, or used a genetic testing product or service, not including general company marketing that does not involve information specific to the consumer. (Civ. Code, § 56.181(a).)
- 2) Requires a direct-to-consumer company to implement and maintain reasonable security procedures and practices to protect a consumer's genetic data against unauthorized access, destruction, use, modification, or disclosure and to develop procedures and practices to enable a consumer to easily access their genetic data, delete their account and genetic data, and have their biological sample destroyed. (Civ. Code, § 56.181(d).)
- 3) Requires a direct-to-consumer company provide effective mechanisms, without any unnecessary steps, for a consumer to revoke their consent after it is given. (Civ. Code, § 56.181(b).)
- 4) Mandates that if a consumer revokes the consent that they provided, and the revocation complies with relevant HIPAA policies, the direct-to-consumer genetic testing company must honor the consumer's consent revocation as soon as practicable by destroying a consumer's biological sample within 30 days of receipt of revocation of consent. (Civ. Code, § 56.181(c).)
- 5) Authorizes the Attorney General or a district attorney to pursue civil penalties, not to exceed \$1,000 plus court costs, against individuals who negligently violate this chapter. (Civ. Code, § 56.182).

- 6) Defines “direct-to-consumer genetic testing company” as an entity that sells, markets, interprets, or otherwise offers consumer-initiated genetic testing products or services directly to consumers; an entity that analyzes a consumer’s genetic data, except if the person that performs the analysis is licensed to diagnose or treat a medical condition; or an entity that collects, uses, maintains, or discloses genetic data collected or derived from a direct-to-consumer genetic testing product or service, or is directly provided by a consumer. (Civ. Code, § 56.18(b)(5).)
- 7) Defines “express consent” as a consumer’s affirmative authorization to grant permission in response to a clear, meaningful, and prominent notice regarding the collection, use, maintenance, or disclosure of genetic data for a specific purpose. (Civ. Code, § 56.18(b)(6).)
- 8) Defines “genetic data” as any data, regardless of its format, that results from the analysis of a biological sample from a consumer, or other means that concerns genetic material and allows equivalent information to be obtained, including, but is not limited to, DNA, ribonucleic acids (RNA), genes, chromosomes, alleles, genomes, alterations or modifications to DNA or RNA, single nucleotide polymorphisms (SNPs), uninterpreted data that results from the analysis of the biological sample, and any information extrapolated, derived, or inferred therefrom. Excludes deidentified data, defined as data that cannot be used to infer information about an individual, and genetic data used for the purpose of scientific research conducted by a researcher at an institution that has an assurance with United States Department of Health and Human Services, as specified. (Civ. Code, § 56.18(b)(7).)

THIS BILL:

- 1) Directs local law enforcement agencies in the state to report the number of cases filed on the theft of DNA and the current status of those cases to the Attorney General beginning July 1, 2027.
- 2) Directs the Attorney General to provide a report to the Legislature and post on its website the number of police reports filed on the theft of DNA and the status of those cases before January 1, 2028.

COMMENTS:

- 1) **Author’s statement.** Writing about bill in print, the author states:

Genetic data is unlike any other form of personal information; it is deeply intimate. It reveals family connections, health risks, and biological traits. It cannot be changed if compromised. Since the implementation of the Genetic Information Privacy Act (GIPA), genetic testing has become even more widespread, and the value of individuals’ genetic data has surged, particularly to malicious actors. In 2023, 23andMe was hacked, showing that this data is a valuable asset. In August of 2025, an academic article was published showing that AI is learning to create 3D images of people from their DNA samples.

AB 1727 makes clear that stealing or trafficking someone’s data will not be tolerated. It criminalizes the theft and unauthorized transfer of data, ensuring there are real consequences for those who prey on Californians. This bill is about dignity. It is about privacy. And it is about justice.

Direct-to-consumer genetic testing: In 1990, the Human Genome Project, an international scientific research collaboration began, driven by the mission to map the complete sequence of human DNA. The ambitious project took just over a decade to complete and dramatically shifted the field of modern-day genetics, expanding access to the equipment and software needed to sequence and analyze genetic material. In the years since the project's completion, the field of genetics has greatly expanded, leading to drastic advancements in scientific understanding of health and disease.¹

As genetic sequencing becomes increasingly inexpensive and accessible, new markets emerge aimed at collecting and analyzing genetic material for principal purposes unrelated to research or medicine.² The past several years have seen the rise of a growing industry for direct-to-consumer (DTC) genetic testing products. Businesses such as 23andMe and Ancestry.com market these products as opportunities to learn more about oneself, based on their capacity to reveal individual traits, medical predispositions, ethnicities and nations of origin, and blood relationships to others. Customers purchase a genetic testing kit that the company mails to the customer alongside instructions on how to collect and return a genetic sample (typically saliva) to the company for analysis. After the company sequences the genetic material, consumers can access their raw genetic data as well as inferences drawn from those analyses through online websites and applications.

A genetic test may uncover information about biological parentage and inherited genetic traits that could reveal sensitive health conditions. Already, several genes associated with certain health conditions and behavioral traits have been identified, including some genotypes that have extremely high probabilities of leading to certain diseases later in life.³ Additionally, law enforcement can test genetic material found at crime scenes and compare the material to DTC genetic testing databases to locate potential relatives, as was the case in the arrest of Joseph DeAngelo, a 72-year-old ex-law enforcement officer who was identified as the infamous Golden State Killer following genetic links made through familial data on genealogy websites.⁴ Unlike usernames, passwords, credit card numbers, and other identifying information, genetic data cannot be changed or divorced from the individual in the event it falls into the wrong hands. This immutability extends the lifespan of compromised genetic information indefinitely, increasing the scope and duration of possible exploitation, and further amplifying its already considerable sensitivity.

In 2023, 23andMe suffered a data breach affecting approximately seven million users, roughly half its customer base. Hackers had accessed sensitive personal information, including names, addresses, and health data, later posting the information for sale on the dark web.⁵ The breach

¹ Ed Cara, "The Human Genome Project Turns 20: Here's How It Altered the World," *MIT Biology*, (Apr. 11, 2023), <https://biology.mit.edu/the-human-genome-project-turns-20-heres-how-it-altered-the-world/>.

² "DTC Genetic Testing Market Set to Grow at 10% CAGR Through 2029," *bccResearch*, (Feb. 27, 2025), <https://www.bccresearch.com/pressroom/mds/dtc-genetic-testing-market?srsId=AfmBOorvL30qJka52DWlwU5CKophHdXKCxeNjHRZbJ3GvVDcN1WiBVgm>.

³ "Huntington's disease is a genetic disease with a 50% chance of passing it down to the next generation," *Huntington's Disease Association*, <https://www.hda.org.uk/professionals-and-training/about-huntingtons-disease/genetics-of-huntingtons-disease/>.

⁴ JV Chamary, "How Genetic Genealogy Helped Catch The Golden State Killer," *Forbes*, (June 30, 2020), <https://www.forbes.com/sites/jvchamary/2020/06/30/genetic-genealogy-golden-state-killer/>.

⁵ Brian Sloan, "There's just one week left to claim part of 23andMe's \$30 million data breach settlement," *CNBC*, (Feb. 10, 2026), <https://www.cnbc.com/select/23andme-30-million-dollar-settlement/>.

resulted in a \$30 million class-action settlement, addressing accusations of failing to protect user privacy and failing to notify the over 1 million customers of Ashkenazi Jewish or Chinese descent that a hacker leaked their personal data, including full names, home addresses, and birth names.⁶ Shortly thereafter, 23andMe filed for Chapter 11 bankruptcy.⁷

In June 2025, the U.S. Bankruptcy Court for the Eastern District of Missouri approved the sale of 23andMe's genetic data to TTAM Research Institute, an entity founded by Anne Wojcicki, the former CEO and co-founder of 23andMe.⁸ In his ruling, Judge Walsh wrote that the sale of genetic data "is a scary proposition," although he acknowledged that an "absolute prohibition" on selling these data could result in missed opportunities.⁹ Reflecting on the case and the questions it raises for lawmakers, Laura Coordes, an expert in bankruptcy at Arizona State University's law school, said:

My hope is that the issues that this case raises and the attention that it's gotten will in turn spur some meaningful thought about data privacy protections, and those protections in a bankruptcy.

I do think on some level there are legislative moves that need to be made and that I would like to see. That's how you ensure that you don't have all of this upheaval and all of these reactions from the state and the federal government, and the public ... you work to strengthen the baseline protections in the long term.¹⁰

2) The Genetic Information Privacy Act (GIPA). A year before the 23andMe data breach, California enacted GIPA. Motivated by concerns about DNA testing companies sharing genetic information with third party groups including data brokers, law enforcement, and the government, the Legislature sought to establish required privacy and data security provisions for DTC genetic testing companies.¹¹ GIPA mandates companies receive customers' affirmative consent regarding the collection, use, maintenance, and disclosure of their genetic data; implement privacy and security practices to protect customers' DNA from hackers; and enable consumers to access and destroy their genetic data.¹² However, GIPA is specific to DTC genetic testing companies and does not account for individuals and private entities that may seek to use genetic data without the consent of the person whose genetic data is being used.

3) The theft of DNA by individuals. Despite scientific advancements that have significantly reduced the barriers to access for genetic testing, few people have ready access to DNA testing and sequencing services that can map an individual's entire genome. Still, rapid advances in technology have led some to voice concerns that an individual may be tempted to steal or obtain genetic material from another person without consent, especially if that person is a celebrity or

⁶ Rebecca Carballo, E. Schmall, & R. Tumin, "23andMe Breach Targeted Jewish and Chinese Customers, Lawsuit Says," *New York Times*, (Jan. 26, 2024), <https://www.nytimes.com/2024/01/26/business/23andme-hack-data.html>.

⁷ Associated Press, "Genetic testing company 23andMe files for Chapter 11 bankruptcy as co-founder resigns," *PBS*, (Mar. 24, 2025), <https://www.pbs.org/newshour/nation/genetic-testing-company-23andme-files-for-chapter-11-bankruptcy-as-co-founder-resigns>.

⁸ John Ruwitch, "Judge Oks sale of 23andMe – and its trove of DNA data – to a nonprofit led by its founder," *NPR*, (June 30, 2025), <https://www.npr.org/2025/06/30/nx-s1-5451398/23andme-sale-approved-dna-data>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ S.B. 41 (Umberg, 2021, *Chaptered*), Section 1.

https://lis.caegis.net/LISWeb/faces/bills/billdetail.xhtml;jsessionid=yViff7uzhe8sqpq1onLcO4D9jQdqFh9Y_SycZ_X0fMqhXTDmAol-R!-2067256646!-1005255573.

¹² Civ. Code, § 56.18 et seq.

high-status individual, to gain deeply personal health and lineage information about that individual. In 2017, Madonna sued an auction site for the sale of a number of personal items including underwear, a break-up letter from Tupac Shakur, and most pertinent to this bill, a hairbrush with her hair still on it.¹³ In court papers, Madonna wrote: “I understand that my DNA could be extracted from a piece of my hair. It is outrageous and grossly offensive that my DNA could be auctioned for sale to the general public.”¹⁴ The case was dismissed due to the statute of limitations expiring, however, the case raised concerns for some, including Georgia State law professor, Yaniv Heled. Heled argues that the theft of DNA, especially celebrity DNA, is only going to become a growing issue as the technology evolves, and will be near impossible to prevent as:

There’s going to be some employee [of a celebrity or public figure] who is willing to smuggle a can [they] just drank from or a half-eaten sandwich, or a hair that [they] dropped on a chair, and that can be analyzed. Once it’s analyzed, reasonably interesting things can be gleaned from it.¹⁵

Currently, evidence of this DNA theft is anecdotal and predominantly limited to A-list celebrities. This bill would call on law enforcement agencies to report cases of DNA theft to the Attorney General, allowing for the collection of data that may reflect important trends in DNA theft, as well as the motivations behind it.

4) **Amendments.** To better understand the threat of DNA theft and transfer poses on private individuals, the author has agreed to the following amends. The author has agreed to adopt instead a bill that directs local law enforcement to report the number of cases of DNA theft to the Attorney General yearly. The Attorney General is to create a summary of these cases to be presented to interested parties within the Legislature. The bill’s contents will be deleted and replaced with the following:

SECTION 1. Section 11107.4 ~~56-182 of~~ is added to the ~~Civil Code~~ Penal Code, to read:

11107.4. (a) All local law enforcement agencies in the state shall report to the Attorney General starting July 1, 2027, and annually thereafter, the number of reports filed on the theft of DNA and the current status of those cases.

(b) The Attorney General shall provide a report to the Legislature, and post on its website, before January 1, 2028, and annually thereafter, the number of police reports filed on the theft of DNA and the current status of those cases.

Because the bill, as proposed to be amended, takes an entirely different approach to this issue, registered support and opposition are no longer applicable.

REGISTERED SUPPORT / OPPOSITION:

Support

¹³ Taylor Link, “Madonna to auction house: Give my Tupac letter, underwear, DNA back,” *Salon*, (July 19, 2017), <https://www.salon.com/2017/07/19/madonna-tupac-letter-dna-gotta-have-it-rock-auction/>.

¹⁴ *Id.*

¹⁵ Mara Thompson, “Genetic Paparazzi: Could Celebrity DNA Become Public Domain?” *Georgia State News*, (Apr. 28, 2020), <https://news.gsu.edu/2020/04/28/genetic-paparazzi-could-celebrity-dna-become-public-domain/>.

None on file.

Opposition

None on file.

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