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House Committee on Commerce and Economic Development
State House
Montpelier, Vermont

Subject: H.639 - genetic data privacy

Dear Committee:

These comments are based on H.639 as introduced.

This morning's testimony goes back to my testimony to you last week on H.211.

I urge you to place this bill as subchapter 7 of chapter 62, instead of in a separate chapter.

My experience as an engineer with contracts and specifications and drawings is that repetition can cause problems, in some cases significant problems.

Last week I recommended that you move some definitions around within chapter 62. I asked that definitions of terms used in more than one subchapter all be moved into subchapter 1, which applies to all of chapter 62. That way, the definitions are uniform throughout the chapter.

I see that genetic data privacy is a subset of chapter 62, protection of personal information.

H.639 will create two distinctly different definitions of "genetic data". This will cause unnecessary confusion and unnecessary loopholes for those whose work places them under both chapters.

Here is how the proposed chapter 61A is derived from the definition in chapter 62. The chapter 61A

(A) "Genetic data" means any data, regardless of its format, that results from the analysis of a biological sample from a consumer of an individual, or from another element source enabling equivalent information to be obtained, and concerns genetic material, including Genetic material includes deoxyribonucleic acids (DNA), ribonucleic acids (RNA), genes, chromosomes, alleles, genomes, alterations or modifications to DNA or RNA, single nucleotide polymorphisms (SNPs), epigenetic markers, uninterpreted data that results from the analysis of the biological sample or other source, and any information extrapolated, derived, or inferred therefrom.

(B) "Genetic data" does not include [followed by page and a half of exclusions that are not in chapter 62.

I see no reason why genetic data should be defined differently in two chapters. Nor why other terms will be defined differently in the two chapters.

I urge you to move genetic data privacy and into chapter 62 to eliminate the confusion and loopholes. Even if you make the definitions identical now, in the future some legislature will change one and not the other.

Sincerely,
Thomas Weiss, P. E.