



DON'T SELL MY DNA ACT

Primary Focus

The *Don't Sell My DNA Act, H.R. 4492*, bipartisan legislation introduced by Reps. Zoe Lofgren and Ben Cline, aims to close a critical gap in the U.S. Bankruptcy Code by safeguarding individuals' genetic data during bankruptcy sales. Prompted by the 2025 23andMe bankruptcy, the bill responds to growing concern that consumer DNA profiles, uniquely identifying and highly sensitive, can be sold without consent under current law. This is a House companion to S. 1916, introduced by Sens. Cornyn, Klobuchar, and Grassley.

Key Provisions

The bill would explicitly amend the Bankruptcy Code to:

- Include “genetic information” in the definition of “personally identifiable information (PII),” using the existing definition under the Genetic Information Nondiscrimination Act (GINA).
- Require written, affirmative consent from individuals before their genetic data can be sold or transferred as part of a bankruptcy proceeding.
- Mandate secure deletion of all genetic data that is not sold or transferred.

Need for Legislation

- **23andMe Bankruptcy Highlighted the Risk:** In March 2025, 23andMe filed for Chapter 11 following a major data breach and declining consumer demand. The company pursued an asset sale under Section 363 of the Bankruptcy Code, sparking alarm about the transfer of nearly 15 million genetic profiles.
- **Legal Gap in § 101(41A):** The Bankruptcy Code's PII definition includes names, addresses, Social Security numbers, and similar information—but not genetic data, even though DNA can uniquely identify a person without any other markers.
- **High-Stakes Market:** Biotech and AI companies view consumer DNA databases as highly valuable assets. Without clear protections, genetic data can be commodified without consent during bankruptcy sales.

This bill updates federal law to reflect the evolving privacy risks of today's technology and ensures that genetic information receives the same legal safeguards as other sensitive personal data.