

SENATE BILL 318

By Lowe

AN ACT to amend Tennessee Code Annotated, Title 56
and Title 68, relative to the Tennessee Genomic
Security and End Organ Harvesting Act.

WHEREAS, it is the intent of the General Assembly to ensure that a company sanctioned by an adversarial military power does not gain access to genetic information from the United States; to combat the heinous practice of forcibly harvesting organs from living persons for transplant; to bring awareness concerning the People's Republic of China's state-sanctioned practice of forced organ harvesting of prisoners of conscience and other vulnerable persons; and to prevent residents of this State from unknowingly involving themselves in forced organ harvesting; and

WHEREAS, it is the intent of this State to recognize and fully oppose the heinous practice of forced organ harvesting conducted by the People's Republic of China and the Chinese Communist Party against prisoners, political dissidents, and other individuals who are held and abused in violation of their basic human rights within the People's Republic of China; and

WHEREAS, it is intent of this State to oppose the collection and analysis of genetic information for use by the military and surveillance state of the People's Republic of China, and to support sanctions imposed by the United States Department of Commerce and Department of Defense upon companies engaged in the collection and analysis of genetic information on behalf of the military and surveillance state of the People's Republic of China; now, therefore,
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 30, is amended by adding the following as a new part:

68-30-201.

This part is known and may be cited as the "Tennessee Genomic Security and End Organ Harvesting Act."

68-30-202.

As used in this part:

(1) "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of such entities or business associations that exists to make a profit; or a nonprofit organization;

(2) "Domicile" means the country in which:

(A) A company is registered and the company's headquarters is located;

(B) A majority of a company's affairs are conducted; or

(C) The majority of a company's ownership shares are held;

(3) "Forced organ harvesting" means the removal of one (1) or more organs from a living person or a person killed for the purpose of removal of one (1) or more organs by means of coercion, abduction, deception, fraud, or abuse of power or a position of vulnerability;

(4) "Foreign adversary" means a nation specified in 15 CFR 791.4;

(5) "Genetic sequencer" means a device or platform used to conduct genetic sequencing, resequencing, isolation, or other genetic research;

(6) "Genetic sequencing" means a method to determine the identity and order of nucleotide bases in the human genome;

(7) "Genomic research facility" means a facility which conducts research on, with, or relating to genetic sequencing or the human genome;

(8) "Health benefit plan" means health insurance coverage as defined in § 56-7-109;

(9) "Health insurer" means a health insurance entity as defined in § 56-7-109;

(10) "Human genome" means deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) found in human cells;

(11) "Medical facility" means a facility for the delivery of health services which:

(A) Receives state funds, including interagency pass through appropriations from the federal government;

(B) Is registered with this state to provide healthcare services in this state; or

(C) Conducts research or testing on, with, or relating to genetic sequencing or the human genome;

(12) "Operational and research software" means computer programs used for the operation, control, analysis, or other necessary functions of genetic sequencing or genetic sequencers; and

(13) "Software" means a program or routine that is used or intended for use to cause one (1) or more computers or pieces of computer related peripheral equipment, or any combination of such equipment, to perform a task, as it relates to genetic sequencing or genetic sequencers.

68-30-203.

(a) This part applies to a health benefit plan that is offered, issued, delivered, amended, or renewed by a health insurer to take effect on or after January 1, 2026.

(b) A health insurer shall not knowingly provide coverage for a human organ transplant or post-transplant care if:

(1) The transplant operation is performed in the People's Republic of China; or

(2) The human organ to be transplanted was procured by sale or donation originating in the People's Republic of China.

(c) The commissioner of health may designate additional countries with governments that fund, sponsor, or otherwise facilitate forced organ harvesting and shall provide written notice to the governor when the commissioner of health designates an additional country. The commissioner shall maintain a list of designated countries on the department's public website.

68-30-204.

(a) A medical facility or research facility shall not use genetic sequencers, or any operational or research software used for genetic sequencing, produced in or by a foreign adversary, a state-owned enterprise of a foreign adversary, a company domiciled within a foreign adversary, or a subsidiary or affiliate that is owned or controlled by a company domiciled within a foreign adversary.

(b) All genetic sequencers and operational and research software used for genetic sequencers or genetic sequencing devices prohibited under subsection (a), which are not permanently disabled, must be removed and replaced within one hundred eighty (180) days after the effective date of this act with genetic sequencers and operational and research software used for genetic sequencers or genetic sequencing in compliance with this section.

68-30-205.

(a) Storage of all genetic sequencing data is restricted to the geographic location of the United States. Remote access to data storage, other than open data, from outside the United States, is prohibited unless approved in writing by the commissioner of health.

(b) Medical facilities, research institutions, and other companies and entities storing genetic sequencing data, including through contracts with third-party data storage companies, must ensure the security of genetic sequencing data using reasonable encryption methods, restrictions on access, and other cybersecurity best practices.

68-30-206.

(a) On or before July 1 each year, under the penalties of perjury, each medical facility and research institution covered under this part shall certify to the attorney general and reporter and the commissioner of health that the facility or institution is compliant with this part.

(b)

(1) Any medical facility or research institution that violates § 68-30-204(a) is subject to a fine of ten thousand dollars (\$10,000) for each violation, to be imposed by the commissioner of health.

(2) For the purposes of subdivision (b)(1), a violation occurs each instance an individual's genome having undergone genetic sequencing or analysis using a prohibited genetic sequencers or operational and research software is used for genetic sequencers or genetic sequencing.

(c) A health benefit plan that knowingly provides coverage for an organ transplant or post-transplant care prohibited by this part is subject to a fine of one

hundred thousand dollars (\$100,000) for each violation, to be imposed by the commissioner of commerce and insurance.

(d) An entity that knowingly stores genetic sequencing data outside of the United States as prohibited in § 68-30-205 is subject to a fine of ten thousand dollars (\$10,000) for each violation, to be imposed by the commissioner of health.

68-30-207.

(a)

(1) The attorney general and reporter is authorized to investigate allegations of violations of this part.

(2) Any person may notify the attorney general and reporter of a violation or potential violation of this part.

(b) If an employee of an entity accused of a violation notifies the attorney general and reporter of a violation or a potential violation, then the employee is afforded all protections as described in § 50-1-304.

(c) If a person is a patient or research subject of an entity that is found guilty of a violation of § 68-30-204, and that person's genetic information was used in the violation, then the person is entitled to recover statutory damages of not less than five thousand dollars (\$5,000) for each unique use of the person's genomic information.

(d) If a person is a patient or research subject of an entity that is found guilty of a violation of § 68-30-205, and that person's genetic information was used in the violation, then the person is entitled to recover statutory damages of not less than five thousand dollars (\$5,000) for each unique use of the person's genomic information.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that

can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect January 1, 2026, the public welfare requiring it.