

26102328D

HOUSE BILL NO. 685

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend the Code of Virginia by adding sections numbered 32.1-127.1:06 and 38.2-3407.15:9, relating to genetic sequencing; organ transplants; use of foreign genetic sequencing or genetic sequencer operational and research software; foreign storage of genetic sequencing data; health insurance coverage for certain foreign organ transplants; civil penalty.

Patron—Zehr

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 32.1-127.1:06 and 38.2-3407.15:9 as follows:

§ 32.1-127.1:06. Privacy of genomic sequencing information; civil penalty.

A. As used in this section:

"Foreign adversary" means a nation specified in 15 C.F.R. § 791.4.

"Genetic sequencer" means a device or platform used to conduct genetic sequencing, genetic resequencing, genetic isolation, or other genetic research.

"Genetic sequencing" means a method to determine the identity and order of nucleotide bases in the human genome.

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

B. No medical care facility shall use genetic sequencers or any operational and research software used for genetic sequencing produced in or by a foreign adversary or a subsidiary or affiliate that is owned or controlled by a person domiciled within a foreign adversary.

1. All genetic sequencers or operational and research software used for genetic sequencing prohibited pursuant to this subsection that is not permanently disabled must be removed and replaced no more than 180 days from July 1, 2026.

2. No medical care facility shall be required to investigate any individual component of genetic sequencing equipment or software to comply with this section.

C. No medical care facility shall store genetic sequencing data with a foreign adversary or permit a foreign adversary to remotely access genetic sequencing data storage, other than open data, within its direction or control unless such remote access is approved in writing by the Commissioner. Medical care facilities storing genetic sequencing data, including through contracts with third-party data storage companies, shall ensure the security of genetic sequencing data using reasonable encryption methods, restrictions on access, and other cybersecurity best practices.

D. A medical care facility using genetic sequencers, using operational and research software used for genetic sequencing, or storing genetic sequencing data shall certify, under penalty of perjury, its compliance with the provisions of this section to the Commissioner annually by July 1. Any medical care facility that violates this section or any person who knowingly stores genetic sequencing data outside of the United States shall be subject to a civil penalty of \$10,000 for each violation, to be collected by the Commissioner and deposited into the general fund. For the purposes of this subsection, a violation occurs for each instance of an individual's genome having undergone genetic sequencing or analysis using prohibited genetic sequencers or operational and research software used for genetic sequencing.

E. The Commissioner is authorized to investigate any allegations of violations of this section. Any person may notify the Commissioner of a violation or potential violation of this section.

§ 38.2-3407.15:9. Prohibition on certain organ transplants; civil penalty.

A. As used in this section:

"Carrier" means the same as that term is defined in § 38.2-3407.10.

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

"Health benefit plan" means the same as that term is defined in § 38.2-3438.

B. No carrier shall knowingly provide coverage under a health benefit plan for a human organ transplant if:

1. The transplant operation is performed in the People's Republic of China or a country designated by the Commissioner pursuant to subsection C; or

INTRODUCED

HB685

59 2. *The human organ to be transplanted was procured by sale or donation originating in the People's*
60 *Republic of China or a country designated by the Commissioner pursuant to subsection C.*

61 *C. The Commissioner may designate additional countries with governments that fund, sponsor, or*
62 *otherwise facilitate forced organ harvesting and shall provide written notice to the Governor when the*
63 *Commissioner designates such additional country. The Commissioner shall maintain a list of such countries*
64 *on the Commission's public website.*

65 *D. Any carrier that knowingly violates the provisions of this section shall be subject to a civil penalty of*
66 *\$100,000 for each violation to be collected by the Commissioner and deposited into the general fund.*

67 *E. The Commissioner is authorized to investigate any allegations of violations of this section. Any person*
68 *may notify the Commissioner of a violation or potential violation of this section.*

69 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
70 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
71 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**
72 **therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing**
73 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**
74 **Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of**
75 **commitment to the custody of the Department of Juvenile Justice.**