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Replace lines 31 through 32 on page 2 with the following:

genetic testing company that cannot be used to infer information about, or otherwise be linked to, an identifiable consumer and that either meets the requirements for deidentification of genetic data set forth in 45 C.F.R. 164.514 or is subject to the following:

- a. Administrative and technical measures put in place by the genetic testing company to ensure that the data cannot be associated with an identified consumer.
- b. A public commitment by the genetic testing company to undertake the following:
 - 1. Maintain and use the data only in a deidentified form.
 - 2. Prohibit any attempts to reidentify the data.
 - 3. Take legal action to enforce contractual obligations that prohibit any recipient of the data from attempting to reidentify the data.



25 Remove lines 116 through 119 on page 5

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27 Replace lines 130 through 132 on page 5 with the
28 following:

29 c. Marketing to a consumer based on the
30 consumer's genetic data, or marketing to a consumer by
31 a third party based on the consumer having ordered or
32 purchased a genetic testing product or service.
33 Marketing does not include the provision of customized
34 content or offers on websites or through the
35 applications or services provided by the
36 direct-to-consumer genetic testing company with the
37 first-party relationship to the consumer.

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39 Replace line 162 on page 6 with the following:

40 legal process. When a law enforcement agency
41 requests data from a

42

43 Replace lines 164 through 165 on page 6 with the
44 following:

45 existence of the valid legal process or the
46 fact of the company's compliance specifically to the
47 party to whom the valid legal process pertains.

48 Nothing in this subsection shall prevent a company



49 from publishing a transparency report that details the
50 number and types of law enforcement requests received
51 and the number of times categories of information are
52 shared, nor prevent a company from complying with
53 other laws or policies, including a company's privacy
54 policy.

55
56 Replace line 193 on page 7 with the following:

57 by a public or private institution of higher
58 learning.

59 (3) Biological samples or genetic data lawfully
60 obtained by law enforcement pursuant to a criminal
61 investigation.