

119TH CONGRESS
1ST SESSION

S. 2029

To protect the privacy of personal reproductive or sexual health information,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2025

Ms. HIRONO (for herself, Mr. WYDEN, Mr. BLUMENTHAL, Ms. BLUNT ROCHESTER, Ms. CANTWELL, Ms. DUCKWORTH, Mr. GALLEG0, Mrs. GILLIBRAND, Mr. HEINRICH, Mr. KAINE, Ms. KLOBUCHAR, Mr. MERKLEY, Mrs. MURRAY, Mr. SCHIFF, Mrs. SHAHEEN, Ms. SMITH, Mr. WELCH, Mr. WHITEHOUSE, Ms. BALDWIN, and Ms. ALSOBROOKS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect the privacy of personal reproductive or sexual
health information, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “My Body, My Data
5 Act of 2025”.

6 **SEC. 2. MINIMIZATION.**

7 (a) MINIMIZATION OF COLLECTING, RETAINING,
8 USING, AND DISCLOSING.—A regulated entity may not

1 collect, retain, use, or disclose personal reproductive or
 2 sexual health information, except as is strictly necessary
 3 to provide a product or service that the individual to whom
 4 such information relates has requested from such regu-
 5 lated entity.

6 (b) MINIMIZATION OF EMPLOYEE ACCESS.—A regu-
 7 lated entity shall restrict access to personal reproductive
 8 or sexual health information by the employees or service
 9 providers of such regulated entity to such employees or
 10 service providers for which access is necessary to provide
 11 a product or service that the individual to whom such in-
 12 formation relates has requested from such regulated enti-
 13 ty.

14 **SEC. 3. RIGHT OF ACCESS, CORRECTION, AND DELETION.**

15 (a) RIGHT OF ACCESS.—

16 (1) IN GENERAL.—A regulated entity shall
 17 make available a reasonable mechanism by which an
 18 individual, upon a verified request, may access—

19 (A) any personal reproductive or sexual
 20 health information relating to such individual
 21 that is retained by such regulated entity, in-
 22 cluding—

23 (i) in the case of such information
 24 that such regulated entity collected from
 25 third parties, how and from which specific

1 third parties such regulated entity collected
2 such information; and

3 (ii) such information that such regu-
4 lated entity inferred about such individual;
5 and

6 (B) a list of the specific third parties to
7 which such regulated entity has disclosed any
8 personal reproductive or sexual health informa-
9 tion relating to such individual.

10 (2) FORMAT.—A regulated entity shall make
11 the information described in paragraph (1) available
12 in both a human-readable format and a structured,
13 interoperable, and machine-readable format.

14 (b) RIGHT OF CORRECTION.—A regulated entity
15 shall make available a reasonable mechanism by which an
16 individual, upon a verified request, may direct the correc-
17 tion of any inaccurate personal reproductive or sexual
18 health information relating to such individual that is re-
19 tained by such regulated entity or the service providers
20 of such regulated entity, including any such information
21 that such regulated entity collected from a third party or
22 inferred from other information retained by such regu-
23 lated entity.

24 (c) RIGHT OF DELETION.—A regulated entity shall
25 make available a reasonable mechanism by which an indi-

vidual, upon a verified request, may direct the deletion of any personal reproductive or sexual health information relating to such individual that is retained by such regulated entity and the service providers of such regulated entity, including any such information that such regulated entity collected from a third party or inferred from other information retained by such regulated entity.

(d) GENERAL PROVISIONS.—

(1) REASONABLE MECHANISM DEFINED.—In this section, the term “reasonable mechanism” means, with respect to a regulated entity and a right under this section, a mechanism that—

(A) is provided in the primary manner through which such regulated entity provides the goods or services of such regulated entity;

(B) is easy to use and prominently available; and

(C) includes an online means of exercising such right.

(2) TIMELINE FOR COMPLYING WITH REQUESTS.—A regulated entity shall comply with a verified request received under this section without undue delay and not later than 15 days after the date on which the requesting individual submits the verified request.

1 (3) FEES PROHIBITED.—A regulated entity
2 may not charge a fee to an individual for a request
3 made under this section.

4 (4) RULES OF CONSTRUCTION.—Nothing in
5 this section shall be construed to require a regulated
6 entity to—

7 (A) take an action that would convert in-
8 formation that is not personal information into
9 personal information;

10 (B) collect or retain personal information
11 that such regulated entity would otherwise not
12 collect or retain; or

13 (C) retain personal information longer
14 than such regulated entity would otherwise re-
15 tain such information.

16 **SEC. 4. PRIVACY POLICY.**

17 (a) POLICY REQUIRED.—A regulated entity shall
18 maintain a privacy policy relating to the practices of such
19 regulated entity regarding the collecting, retaining, using,
20 and disclosing of personal reproductive or sexual health
21 information.

22 (b) PUBLICATION REQUIRED.—A regulated entity
23 shall prominently publish the privacy policy required by
24 subsection (a) on the website of such regulated entity.

1 (c) CONTENTS.—The privacy policy required by sub-
2 section (a) shall be clear and conspicuous and shall con-
3 tain, at a minimum, the following:

4 (1) A description of the practices of the regu-
5 lated entity regarding the collecting, retaining,
6 using, and disclosing of personal reproductive or sex-
7 ual health information.

8 (2) A concise statement of the categories of
9 such information collected, retained, used, or dis-
10 closed by the regulated entity.

11 (3) A concise statement, for each such category,
12 of the purposes of such regulated entity for the col-
13 lecting, retaining, using, or disclosing of such infor-
14 mation.

15 (4) A list of the specific third parties to which
16 such regulated entity discloses such information, and
17 a concise statement of the purposes for which such
18 regulated entity discloses such information, including
19 how such information may be used by each such
20 third party.

21 (5) A list of the specific third parties from
22 which such regulated entity has collected such infor-
23 mation, and a concise statement of the purposes for
24 which such regulated entity collects such informa-
25 tion.

1 (6) A concise statement describing the extent to
2 which individuals may exercise control over the col-
3 lecting, retaining, using, and disclosing of personal
4 reproductive or sexual health information by such
5 regulated entity, the steps an individual is required
6 to take to implement such controls, and direct links
7 to such controls.

8 (7) A concise statement describing the efforts
9 of the regulated entity to protect personal reproduc-
10 tive or sexual health information from unauthorized
11 disclosure.

12 **SEC. 5. PROHIBITION AGAINST RETALIATION.**

13 A regulated entity may not retaliate against an indi-
14 vidual because the individual exercises a right of the indi-
15 vidual under this Act, including by—

16 (1) denying goods or services to the individual;

17 (2) charging the individual different prices or
18 rates for goods or services, including by using dis-
19 counts or other benefits or imposing penalties;

20 (3) providing a different level or quality of
21 goods or services to the individual; or

22 (4) suggesting that the individual will receive a
23 different price or rate for goods or services or a dif-
24 ferent level or quality of goods or services.

1 **SEC. 6. ENFORCEMENT.**

2 (a) **ENFORCEMENT BY THE COMMISSION.—**

3 (1) **UNFAIR OR DECEPTIVE ACTS OR PRAC-**
4 **TICES.—**A violation of this Act or a regulation pro-
5 mulgated under this Act shall be treated as a viola-
6 tion of a regulation under section 18(a)(1)(B) of the
7 Federal Trade Commission Act (15 U.S.C.
8 57a(a)(1)(B)) regarding unfair or deceptive acts or
9 practices.

10 (2) **POWERS OF COMMISSION.—**

11 (A) **IN GENERAL.—**Except as provided in
12 section 7(6)(A)(ii), the Commission shall en-
13 force this Act and the regulations promulgated
14 under this Act in the same manner, by the
15 same means, and with the same jurisdiction,
16 powers, and duties as though all applicable
17 terms and provisions of the Federal Trade
18 Commission Act (15 U.S.C. 41 et seq.) were in-
19 corporated into and made a part of this Act.

20 (B) **PRIVILEGES AND IMMUNITIES.—**Any
21 regulated entity that violates this Act or a regu-
22 lation promulgated under this Act shall be sub-
23 ject to the penalties and entitled to the privi-
24 leges and immunities provided in the Federal
25 Trade Commission Act.

1 (C) AUTHORITY PRESERVED.—Nothing in
 2 this Act shall be construed to limit the author-
 3 ity of the Commission under any other provi-
 4 sion of law.

5 (D) RULEMAKING AUTHORITY.—The Com-
 6 mission may promulgate, in accordance with
 7 section 553 of title 5, United States Code, such
 8 regulations as may be necessary to carry out
 9 this Act.

10 (b) ENFORCEMENT BY INDIVIDUALS.—

11 (1) IN GENERAL.—Any individual alleging a
 12 violation of this Act or a regulation promulgated
 13 under this Act may bring a civil action in any court
 14 of competent jurisdiction.

15 (2) RELIEF.—In a civil action brought under
 16 paragraph (1) in which the plaintiff prevails, the
 17 court may award—

18 (A) an amount not less than \$100 and not
 19 greater than \$1,000 per violation per day, or
 20 actual damages, whichever is greater;

21 (B) punitive damages;

22 (C) reasonable attorney’s fees and litiga-
 23 tion costs; and

1 (D) any other relief, including equitable or
 2 declaratory relief, that the court determines ap-
 3 propriate.

4 (3) INJURY IN FACT.—A violation of this Act,
 5 or a regulation promulgated under this Act, with re-
 6 spect to personal reproductive or sexual health infor-
 7 mation constitutes a concrete and particularized in-
 8 jury in fact to the individual to whom such informa-
 9 tion relates.

10 (4) INVALIDITY OF PRE-DISPUTE ARBITRATION
 11 AGREEMENTS AND PRE-DISPUTE JOINT ACTION
 12 WAIVERS.—

13 (A) IN GENERAL.—Notwithstanding any
 14 other provision of law, no pre-dispute arbitra-
 15 tion agreement or pre-dispute joint-action waiv-
 16 er shall be valid or enforceable with respect to
 17 a dispute arising under this Act.

18 (B) APPLICABILITY.—Any determination
 19 as to whether or how this paragraph applies to
 20 any dispute shall be made by a court, rather
 21 than an arbitrator, without regard to whether
 22 such agreement purports to delegate such deter-
 23 mination to an arbitrator.

24 (C) DEFINITIONS.—For purposes of this
 25 paragraph:

1 (i) PRE-DISPUTE ARBITRATION
 2 AGREEMENT.—The term “pre-dispute arbi-
 3 tration agreement” means any agreement
 4 to arbitrate a dispute that has not arisen
 5 at the time of the making of the agree-
 6 ment.

7 (ii) PRE-DISPUTE JOINT-ACTION
 8 WAIVER.—The term “pre-dispute joint-ac-
 9 tion waiver” means an agreement that
 10 would prohibit a party from participating
 11 in a joint, class, or collective action in a ju-
 12 dicial, arbitral, administrative, or other
 13 forum, concerning a dispute that has not
 14 arisen at the time of the making of the
 15 agreement.

16 **SEC. 7. DEFINITIONS.**

17 In this Act:

18 (1) COLLECT.—The term “collect” means, with
 19 respect to personal reproductive or sexual health in-
 20 formation, for a regulated entity to obtain such in-
 21 formation in any manner.

22 (2) COMMISSION.—The term “Commission”
 23 means the Federal Trade Commission.

24 (3) DISCLOSE.—The term “disclose” means,
 25 with respect to personal reproductive or sexual

1 health information, for a regulated entity to release,
2 transfer, sell, provide access to, license, or divulge
3 such information in any manner to a third party or
4 government entity.

5 (4) PERSONAL INFORMATION.—The term “per-
6 sonal information” means information that identi-
7 fies, relates to, describes, is reasonably capable of
8 being associated with, or could reasonably be linked,
9 directly or indirectly, with a particular individual,
10 household, or device.

11 (5) PERSONAL REPRODUCTIVE OR SEXUAL
12 HEALTH INFORMATION.—The term “personal repro-
13 ductive or sexual health information” means per-
14 sonal information relating to the past, present, or
15 future reproductive or sexual health of an individual,
16 including—

17 (A) efforts to research or obtain reproduc-
18 tive or sexual health information, services, or
19 supplies, including location information that
20 might indicate an attempt to acquire or receive
21 such information, services, or supplies;

22 (B) reproductive or sexual health condi-
23 tions, status, diseases, or diagnoses, including
24 pregnancy and pregnancy-related conditions,
25 menstruation, ovulation, ability to conceive a

1 pregnancy, whether such individual is sexually
2 active, and whether such individual is engaging
3 in unprotected sex;

4 (C) reproductive- and sexual-health-related
5 surgeries or procedures, including abortion;

6 (D) use or purchase of contraceptives,
7 medication abortion, or any other drug, device,
8 or materials related to reproductive health;

9 (E) bodily functions, vital signs, measure-
10 ment, or symptoms related to menstruation or
11 pregnancy, such as basal temperature, cramps,
12 bodily discharge, or hormone levels;

13 (F) any information about diagnoses or di-
14 agnostic testing, treatment, medications, or the
15 purchase or use of any product or service relat-
16 ing to the matters described in subparagraphs
17 (A) through (E); and

18 (G) any information described in subpara-
19 graphs (A) through (F) that is derived or ex-
20 trapolated from non-health information, includ-
21 ing proxy, derivative, inferred, emergent, and
22 algorithmic data.

23 (6) REGULATED ENTITY.—

24 (A) IN GENERAL.—The term “regulated
25 entity” means any entity (to the extent such en-

1 tity is engaged in activities in or affecting com-
 2 merce (as defined in section 4 of the Federal
 3 Trade Commission Act (15 U.S.C. 44))) that
 4 is—

5 (i) a person, partnership, or corpora-
 6 tion subject to the jurisdiction of the Com-
 7 mission under section 5(a)(2) of the Fed-
 8 eral Trade Commission Act (15 U.S.C.
 9 45(a)(2)); or

10 (ii) notwithstanding section 4, 5(a)(2),
 11 or 6 of the Federal Trade Commission Act
 12 (15 U.S.C. 44; 45(a)(2); 46) or any juris-
 13 dictional limitation of the Commission—

14 (I) a common carrier subject to
 15 the Communications Act of 1934 (47
 16 U.S.C. 151 et seq.) and all Acts
 17 amendatory thereof and supple-
 18 mentary thereto; or

19 (II) an organization not orga-
 20 nized to carry on business for its own
 21 profit or that of its members.

22 (B) EXCLUSIONS.—The term “regulated
 23 entity” does not include—

24 (i) an entity that is a covered entity,
 25 as defined in section 160.103 of title 45,

1 Code of Federal Regulations (or any suc-
 2 cessor to such regulation), to the extent
 3 such entity is acting as a covered entity
 4 under the HIPAA privacy regulations (as
 5 defined in section 1180(b)(3) of the Social
 6 Security Act (42 U.S.C. 1320d–9(b)(3)));

7 (ii) an entity that is a business asso-
 8 ciate, as defined in section 160.103 of title
 9 45, Code of Federal Regulations (or any
 10 successor to such regulation), to the extent
 11 such entity is acting as a business asso-
 12 ciate under the HIPAA privacy regulations
 13 (as defined in such section 1180(b)(3)); or

14 (iii) an entity that is subject to re-
 15 strictions on disclosure of records under
 16 section 543 of the Public Health Service
 17 Act (42 U.S.C. 290dd–2), to the extent
 18 such entity is acting in a capacity subject
 19 to such restrictions.

20 (7) SERVICE PROVIDER.—

21 (A) IN GENERAL.—The term “service pro-
 22 vider” means a person who—

23 (i) collects, retains, uses, or discloses
 24 personal reproductive or sexual health in-
 25 formation for the sole purpose of, and only

1 to the extent that such person is, con-
2 ducting business activities on behalf of, for
3 the benefit of, under instruction of, and
4 under contractual agreement with a regu-
5 lated entity and not any other individual or
6 entity; and

7 (ii) does not divulge personal repro-
8 ductive or sexual health information to any
9 individual or entity other than such regu-
10 lated entity or a contractor to such service
11 provider bound to information processing
12 terms no less restrictive than terms to
13 which such service provider is bound.

14 (B) LIMITATION OF APPLICATION.—Such
15 person shall only be considered a service pro-
16 vider in the course of activities described in
17 subparagraph (A)(i).

18 (C) MINIMIZATION BY SERVICE PRO-
19 VIDERS.—For purposes of compliance with sec-
20 tion 2 by a service provider of a regulated enti-
21 ty, a request from an individual to such regu-
22 lated entity for a product or service shall be
23 treated as having also been provided to such
24 service provider.

1 (8) THIRD PARTY.—The term “third party”
2 means, with respect to the disclosing or collecting of
3 personal reproductive or sexual health information,
4 any person who is not—

5 (A) the regulated entity that is disclosing
6 or collecting such information;

7 (B) the individual to whom such informa-
8 tion relates; or

9 (C) a service provider.

10 **SEC. 8. RULE OF CONSTRUCTION.**

11 Nothing in this Act shall be construed to limit or di-
12 minish First Amendment freedoms guaranteed under the
13 Constitution.

14 **SEC. 9. RELATIONSHIP TO FEDERAL AND STATE LAWS.**

15 (a) FEDERAL LAW PRESERVATION.—Nothing in this
16 Act, or a regulation promulgated under this Act, shall be
17 construed to limit any other provision of Federal law, ex-
18 cept as specifically provided in this Act.

19 (b) STATE LAW PRESERVATION.—

20 (1) IN GENERAL.—Nothing in this Act, or a
21 regulation promulgated under this Act, shall be con-
22 strued to preempt, displace, or supplant any State
23 law, except to the extent that a provision of State
24 law conflicts with a provision of this Act, or a regu-

1 lation promulgated under this Act, and then only to
2 the extent of the conflict.

3 (2) GREATER PROTECTION UNDER STATE
4 LAW.—For purposes of this subsection, a provision
5 of State law does not conflict with a provision of this
6 Act, or a regulation promulgated under this Act, if
7 such provision of State law provides greater privacy
8 protection than the privacy protection provided by
9 such provision of this Act or such regulation.

10 **SEC. 10. SAVINGS CLAUSE.**

11 Nothing in this Act shall be construed to limit the
12 authority of the Commission under any other provision of
13 law. Nothing in this Act, or a regulation promulgated
14 under this Act, shall be construed to prohibit a regulated
15 entity from disclosing personal reproductive or sexual
16 health information to the Commission as required by law,
17 in compliance with a court order, or in compliance with
18 a civil investigative demand or similar process authorized
19 under law.

20 **SEC. 11. SEVERABILITY CLAUSE.**

21 If any provision of this Act, or the application thereof
22 to any person or circumstance, is held invalid, the remain-
23 der of this Act, and the application of such provision to

- 1 other persons not similarly situated or to other cir-
- 2 cumstances, shall not be affected by the invalidation.

