

119TH CONGRESS
1ST SESSION

H. R. 3916

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2025

Ms. JACOBS (for herself, Ms. McCLELLAN, Ms. ESCOBAR, Ms. CROCKETT, Mr. DOGGETT, Mr. MOULTON, Mr. PETERS, Ms. TOKUDA, Ms. SHERRILL, Ms. VELÁZQUEZ, Ms. KAMLAGER-DOVE, Ms. BROWNLEY, Ms. TLAIB, Mr. GOMEZ, Mr. CARSON, Ms. SALINAS, Ms. LEGER FERNANDEZ, Ms. JAYAPAL, Mr. MCGARVEY, Ms. BONAMICI, Ms. SEWELL, Ms. MCCOLLUM, Mr. GOLDEN of Maine, Mr. KRISHNAMOORTHY, Mr. HUFFMAN, Mrs. TRAHAN, Mr. VARGAS, Ms. WILSON of Florida, Ms. BROWN, Mr. COSTA, Ms. BARRAGÁN, Ms. NORTON, Ms. MATSUI, Mr. DELUZIO, Mr. KEATING, Mr. MORELLE, Ms. BYNUM, Mr. AUCHINCLOSS, Ms. GARCIA of Texas, Ms. BALINT, Mr. JOHNSON of Georgia, Mr. THANEDAR, Ms. TITUS, Ms. ROSS, Mr. SWALWELL, Mr. STANTON, Mr. PANETTA, Mr. COHEN, Mr. DAVIS of Illinois, Mr. CARBAJAL, Ms. SCANLON, Mr. GARCÍA of Illinois, Ms. WILLIAMS of Georgia, Mr. SHERMAN, Mr. RUIZ, Mr. GOTTHEIMER, Mrs. RAMIREZ, Ms. LEE of Pennsylvania, Ms. SIMON, Ms. MOORE of Wisconsin, Ms. STANSBURY, and Ms. JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. MINIMIZATION.**

5 (a) MINIMIZATION OF COLLECTING, RETAINING,
6 USING, AND DISCLOSING.—A regulated entity may not
7 collect, retain, use, or disclose personal reproductive or
8 sexual health information, except as is strictly necessary
9 to provide a product or service that the individual to whom
10 such information relates has requested from such regu-
11 lated entity.

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

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

21 (a) RIGHT OF ACCESS.—

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

25 (A) any personal reproductive or sexual
26 health information relating to such individual

1 that is retained by such regulated entity, in-
2 cluding—

3 (i) in the case of such information
4 that such regulated entity collected from
5 third parties, how and from which specific
6 third parties such regulated entity collected
7 such information; and

8 (ii) such information that such regu-
9 lated entity inferred about such individual;
10 and

11 (B) a list of the specific third parties to
12 which such regulated entity has disclosed any
13 personal reproductive or sexual health informa-
14 tion relating to such individual.

15 (2) FORMAT.—A regulated entity shall make
16 the information described in paragraph (1) available
17 in both a human-readable format and a structured,
18 interoperable, and machine-readable format.

19 (b) RIGHT OF CORRECTION.—A regulated entity
20 shall make available a reasonable mechanism by which an
21 individual, upon a verified request, may direct the correc-
22 tion of any inaccurate personal reproductive or sexual
23 health information relating to such individual that is re-
24 tained by such regulated entity or the service providers
25 of such regulated entity, including any such information

1 that such regulated entity collected from a third party or
2 inferred from other information retained by such regu-
3 lated entity.

4 (c) RIGHT OF DELETION.—A regulated entity shall
5 make available a reasonable mechanism by which an indi-
6 vidual, upon a verified request, may direct the deletion of
7 any personal reproductive or sexual health information re-
8 lating to such individual that is retained by such regulated
9 entity and the service providers of such regulated entity,
10 including any such information that such regulated entity
11 collected from a third party or inferred from other infor-
12 mation retained by such regulated entity.

13 (d) GENERAL PROVISIONS.—

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

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

21 (B) is easy to use and prominently avail-
22 able; and

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

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

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

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

13 (A) take an action that would convert in-
14 formation that is not personal information into
15 personal information;

16 (B) collect or retain personal information
17 that such regulated entity would otherwise not
18 collect or retain; or

19 (C) retain personal information longer
20 than such regulated entity would otherwise re-
21 tain such information.

22 **SEC. 4. PRIVACY POLICY.**

23 (a) POLICY REQUIRED.—A regulated entity shall
24 maintain a privacy policy relating to the practices of such
25 regulated entity regarding the collecting, retaining, using,

1 and disclosing of personal reproductive or sexual health
2 information.

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

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

9 (1) A description of the practices of the regu-
10 lated entity regarding the collecting, retaining,
11 using, and disclosing of personal reproductive or sex-
12 ual health information.

13 (2) A concise statement of the categories of
14 such information collected, retained, used, or dis-
15 closed by the regulated entity.

16 (3) A concise statement, for each such category,
17 of the purposes of such regulated entity for the col-
18 lecting, retaining, using, or disclosing of such infor-
19 mation.

20 (4) A list of the specific third parties to which
21 such regulated entity discloses such information, and
22 a concise statement of the purposes for which such
23 regulated entity discloses such information, including
24 how such information may be used by each such
25 third party.

1 (5) A list of the specific third parties from
2 which such regulated entity has collected such infor-
3 mation, and a concise statement of the purposes for
4 which such regulated entity collects such informa-
5 tion.

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

13 (7) A concise statement describing the efforts
14 of the regulated entity to protect personal reproduc-
15 tive or sexual health information from unauthorized
16 disclosure.

17 **SEC. 5. PROHIBITION AGAINST RETALIATION.**

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

- 21 (1) denying goods or services to the individual;
22 (2) charging the individual different prices or
23 rates for goods or services, including by using dis-
24 counts or other benefits or imposing penalties;

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

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

6 **SEC. 6. ENFORCEMENT.**

7 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-
8 SION.—

9 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
10 TICES.—A violation of this Act or a regulation pro-
11 mulgated under this Act shall be treated as a viola-
12 tion of a regulation under section 18(a)(1)(B) of the
13 Federal Trade Commission Act (15 U.S.C.
14 57a(a)(1)(B)) regarding unfair or deceptive acts or
15 practices.

16 (2) POWERS OF COMMISSION.—Except as pro-
17 vided in section 7(6)(A)(ii), the Commission shall
18 enforce this Act and the regulations promulgated
19 under this Act in the same manner, by the same
20 means, and with the same jurisdiction, powers, and
21 duties as though all applicable terms and provisions
22 of the Federal Trade Commission Act (15 U.S.C. 41
23 et seq.) were incorporated into and made a part of
24 this Act, and any regulated entity that violates this
25 Act or a regulation promulgated under this Act shall

1 be subject to the penalties and entitled to the privi-
2 leges and immunities provided in the Federal Trade
3 Commission Act.

4 (3) RULEMAKING AUTHORITY.—The Commis-
5 sion may promulgate regulations under section 553
6 of title 5, United States Code, to implement this
7 Act.

8 (b) ENFORCEMENT BY INDIVIDUALS.—

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

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

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

19 (B) punitive damages;

20 (C) reasonable attorney's fees and litiga-
21 tion costs; and

22 (D) any other relief, including equitable or
23 declaratory relief, that the court determines ap-
24 propriate.

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

7 (4) INVALIDITY OF PRE-DISPUTE ARBITRATION
8 AGREEMENTS AND PRE-DISPUTE JOINT ACTION
9 WAIVERS.—

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

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

21 (C) DEFINITIONS.—For purposes of this
22 paragraph:

23 (i) PRE-DISPUTE ARBITRATION
24 AGREEMENT.—The term “pre-dispute arbi-
25 tration agreement” means any agreement

1 to arbitrate a dispute that has not arisen
2 at the time of the making of the agree-
3 ment.

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

13 **SEC. 7. DEFINITIONS.**

14 In this Act:

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

19 (2) COMMISSION.—The term “Commission”
20 means the Federal Trade Commission.

21 (3) DISCLOSE.—The term “disclose” means,
22 with respect to personal reproductive or sexual
23 health information, for a regulated entity to release,
24 transfer, sell, provide access to, license, or divulge

1 such information in any manner to a third party or
2 government entity.

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

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

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

20 (B) reproductive or sexual health condi-
21 tions, status, diseases, or diagnoses, including
22 pregnancy and pregnancy-related conditions,
23 menstruation, ovulation, ability to conceive a
24 pregnancy, whether such individual is sexually

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

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

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

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

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

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

22 (6) REGULATED ENTITY.—

23 (A) IN GENERAL.—The term “regulated
24 entity” means any entity (to the extent such en-
25 tity is engaged in activities in or affecting com-

merce (as defined in section 4 of the Federal Trade Commission Act (15 U.S.C. 44))) that is—

(i) a person, partnership, or corporation subject to the jurisdiction of the Commission under section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)); or

(ii) notwithstanding section 4, 5(a)(2), or 6 of the Federal Trade Commission Act (15 U.S.C. 44; 45(a)(2); 46) or any jurisdictional limitation of the Commission—

(I) a common carrier subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.) and all Acts amendatory thereof and supplementary thereto; or

(II) an organization not organized to carry on business for its own profit or that of its members.

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

(i) an entity that is a covered entity, as defined in section 160.103 of title 45, Code of Federal Regulations (or any suc-

cessor to such regulation), to the extent such entity is acting as a covered entity under the HIPAA privacy regulations (as defined in section 1180(b)(3) of the Social Security Act (42 U.S.C. 1320d–9(b)(3)));

(ii) an entity that is a business associate, as defined in section 160.103 of title 45, Code of Federal Regulations (or any successor to such regulation), to the extent such entity is acting as a business associate under the HIPAA privacy regulations (as defined in such section 1180(b)(3)); or

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

(7) SERVICE PROVIDER.—

(A) IN GENERAL.—The term “service provider” means a person who—

(i) collects, retains, uses, or discloses personal reproductive or sexual health information for the sole purpose of, and only to the extent that such person is, con-

ducting business activities on behalf of, for
the benefit of, under instruction of, and
under contractual agreement with a regulated entity and not any other individual or entity; and

(ii) does not divulge personal reproductive or sexual health information to any individual or entity other than such regulated entity or a contractor to such service provider bound to information processing terms no less restrictive than terms to which such service provider is bound.

(B) LIMITATION OF APPLICATION.—Such person shall only be considered a service provider in the course of activities described in subparagraph (A)(i).

(C) MINIMIZATION BY SERVICE PROVIDERS.—For purposes of compliance with section 2 by a service provider of a regulated entity, a request from an individual to such regulated entity for a product or service shall be treated as having also been provided to such service provider.

(8) THIRD PARTY.—The term “third party” means, with respect to the disclosing or collecting of

1 personal reproductive or sexual health information,
2 any person who is not—

3 (A) the regulated entity that is disclosing
4 or collecting such information;

5 (B) the individual to whom such informa-
6 tion relates; or

7 (C) a service provider.

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

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

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

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

17 (b) **STATE LAW PRESERVATION.**—

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

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

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

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

18 **SEC. 11. SEVERABILITY CLAUSE.**

19 If any provision of this Act, or the application thereof
20 to any person or circumstance, is held invalid, the remain-
21 der of this Act, and the application of such provision to
22 other persons not similarly situated or to other cir-
23 cumstances, shall not be affected by the invalidation.

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