



## Alabama Association of Pathologists

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March 28, 2025

Via email [ben.robbins@alhouse.gov](mailto:ben.robbins@alhouse.gov)

Representative Ben Robbins  
11 South Union Street  
Montgomery, Alabama 36130

### **Re: Oppose House Bill 449, Technical Amendments Needed**

Dear Representative Robbins:

On behalf of the Alabama Association of Pathologists (AAP), I am writing to express concerns regarding House Bill 449, which if not amended is opposed for the reasons set forth below.

The current Alabama "Genetic Data Privacy Act" (§ 8-43-1) explicitly ensures that those health care and medical services, including those services we supervise or perform as Alabama pathologists, subject to the purview of the federal privacy rule, codified under the "Health Insurance Portability and Accountability Act," are exempt from the current Act. This explicit exemption is codified at [Alabama § 8-43-5](#). Specifically, this provision exempts: "A covered entity or business associate as those terms are defined in 45 CFR Parts 160 and 164" from the requirements, restrictions and penalties established under the Alabama Genetic Data and Privacy Act.

The current exemption in Alabama law, cited above, enacted last year, (No-24-384) is necessary to ensure medically necessary pathology and laboratory services. Current best practices in diagnosis of many diseases require genetic testing to refine diagnosis and to identify therapeutic targets. It is imperative that this testing is not impeded, encumbered or precluded by state law.

Genetic testing is now integral to routine medical diagnosis and optimal therapeutic selection in cases of cancer and other diseases. Accordingly, the current exemption set forth at § 8-43-5 is fundamentally important to our medical practices and should be transposed into HB 449, Section 6 as follows:

Section 6. This act does not apply to a DNA sample or genetic information used :

**New (5) By a covered entity or business associate as those terms are defined in 42 C.F.R Parts 160 and 164.**

As you know, HB 449 Section (b) contemplates classification of unlawful use of DNA as a class C felony. As physicians whose exclusive focus is to ensure that Alabama patients receive the highest quality pathology and laboratory services, it is necessary and appropriate to explicitly establish in this bill that our lawful medical practice activities can be conducted without legal jeopardy. Thank you for your courtesies and consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andrea Kahn', with a long horizontal flourish extending to the right.

Andrea Graciela Kahn, MD, FCAP  
President

cc: Mark Jackson, Alabama Medical Association [mjackson@alamedical.org](mailto:mjackson@alamedical.org)  
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