

House Bill 827

By: Representatives McQueen of the 61<sup>st</sup>, Roberts of the 52<sup>nd</sup>, Miller of the 62<sup>nd</sup>, Evans of the 57<sup>th</sup>, Willis of the 55<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling  
2 and other trade practices, so as to enact the "Menstrual Data Privacy and Protection Act"; to  
3 provide for definitions; to require explicit consent; to provide for security, notification of data  
4 breaches, and deletion of data; to provide for violations; to provide for reporting; to provide  
5 for relief; to provide for related matters; to provide for legislative purpose; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Menstrual Data Privacy and Protection  
10 Act."

11 **SECTION 2.**

12 The purpose of this Act is to safeguard the privacy and security of menstrual and  
13 reproductive health data collected by applications, devices, pharmacies, healthcare providers,  
14 and other entities. This legislation ensures that individuals retain control over their sensitive

15 personal information and protects against misuse, unauthorized sharing, and data breaches  
16 involving such information.

17 **SECTION 3.**

18 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other  
19 trade practices, is amended by enacting a new article to read as follows:

20 "ARTICLE 37

21 10-1-960.

22 As used in this article, the term:

23 (1) 'Entity' means any organization, business, or individual collecting menstrual data,  
24 including, but not limited to, digital applications and platforms, pharmacies and retail  
25 establishments, healthcare providers, clinics, and hospitals.

26 (2) 'Explicit consent' means a clear and affirmative agreement provided by an individual  
27 after being fully informed of the specific purpose for menstrual data collection and usage.

28 (3) 'Menstrual data' means any information related to an individual's menstrual cycle,  
29 reproductive health, or related bodily functions collected by an entity, including, but not  
30 limited to, menstrual tracking applications and devices, pharmacies and healthcare  
31 providers, and online or in-person retail purchases of menstrual products.

32 10-1-961.

33 (a) An entity shall obtain explicit consent from an individual before collecting, processing,  
34 or sharing menstrual data belonging to such individual.

35 (b) Menstrual data may only be used by an entity for specific purposes provided in an  
36 explicit consent agreement. No entity shall use such menstrual data for unrelated purposes.

37 including marketing or targeted advertising, without obtaining explicit consent to such  
38 effect.

39 (c) No entity shall sell menstrual data or reproductive health data to third parties under any  
40 circumstances.

41 (d) Each instance of an entity collecting, processing, or sharing the menstrual data of an  
42 individual without obtaining such individual's explicit consent, using an individual's  
43 menstrual data for purposes not provided in an explicit consent agreement with such  
44 individual, or selling menstrual data belonging to an individual shall constitute a separate  
45 violation.

46 10-1-962.

47 (a) An entity shall implement industry standard security measures, including, but not  
48 limited to, data encryption during storage and transmission, regular security audits, and  
49 vulnerability assessments.

50 (b) An entity shall notify affected individuals and the Attorney General within 72 hours  
51 of any data breach involving menstrual data.

52 (c) Every individual shall have the right to request that any entity in possession of  
53 menstrual data belonging to such individual delete such menstrual data at any time. An  
54 entity shall comply with menstrual data deletion requests within 30 days and notify the  
55 requesting individual when the data at issue has been deleted. Deleted menstrual data shall  
56 not be retained in any form by the entity or its partners.

57 (d) Each instance of an entity failing to implement the security measures provided in  
58 subsection (a) of this Code section, to notify an individual affected by a data breach  
59 involving such individual's menstrual data as provided in subsection (b) of this Code  
60 section, or to delete menstrual data following the procedures provided in subsection (c) of  
61 this Code section shall constitute a separate violation.

62 10-1-963.

63 (a) Each entity shall publish on a website accessible to the public a privacy policy detailing  
64 the types of menstrual data it collects, the purposes for which such data is used, and any  
65 third parties with whom such data may be shared.

66 (b) Each entity shall publish on a website accessible to the public an annual report  
67 summarizing data protection measures it has implemented, any data breaches or incidents  
68 it has reported during the year, and any efforts it has made to comply with the provisions  
69 of this article.

70 10-1-964.

71 (a) Whenever it may appear to the Attorney General that an entity has violated the  
72 provisions of this article, the Attorney General may seek, and any superior court of  
73 competent jurisdiction may grant, any or all of the following relief:

74 (1) A temporary restraining order or temporary or permanent injunction;

75 (2) A civil penalty of up to \$50,000.00 per violation or \$500.00 per affected individual,  
76 whichever is greater;

77 (3) A declaratory judgment; or

78 (4) Other relief as the court deems just and equitable, including, but not limited to,  
79 reasonable attorney's fees and costs.

80 (b) Any individual whose menstrual data is collected, processed, shared, or sold in  
81 violation of the provisions of this article may bring a civil action against the violating entity  
82 in any court having jurisdiction over such entity seeking any or all of the following relief:

83 (1) Actual damages;

84 (2) Statutory damages of up to \$2,500 per violation; or

85 (3) Reasonable attorney's fees and costs."

86

**SECTION 4.**

87 All laws and parts of laws in conflict with this Act are repealed.