

HB0959/916887/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 959

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “a resident’s” and substitute “an individual’s”; in lines 4, 5 and 6, 7, and 10, in each instance, strike “or private”; in line 4, strike “resident” and substitute “individual”; in lines 7 and 10, in each instance, strike “a resident” and substitute “an individual”; in line 11, strike “and” and substitute “; requiring, except under certain circumstances, a unit or, under certain circumstances, a nonaffiliated third party to”; strike beginning with “establishing” in line 25 down through “regulations;” in line 28 and substitute “providing that a unit or nonaffiliated third party that complies with certain provisions of federal law is deemed to be in compliance with this Act.”.

On page 2, in line 1, strike “applicability” and substitute “application”; in the same line, strike “a certain provision of”; in the same line, after “Act;” insert “providing for a delayed effective date.”; and in line 6, strike “10-1309” and substitute “10-1308”.

AMENDMENT NO. 2

On page 2, in line 17, strike “**ENCRYPTED**” and substitute “**ENCRYPTION**”; in line 18, after “**TRANSIT**” insert a comma; in the same line, strike “**AN ENCRYPTION**” and substitute “**A**”; strike beginning with “**HAS**” in line 19 down through “**INCLUDING**” in line 20 and substitute “**;**”

(1) IS CERTIFIED TO MEET OR EXCEED THE LEVEL THAT HAS BEEN ADOPTED BY;

in line 22, strike “, **WHICH**” and substitute “**; AND**”

(2);

(Over)

and in line 25, strike “(1)”.

On pages 2 and 3, strike beginning with “ANY” in line 25 on page 2 down through “ACT” in line 3 on page 3 and substitute “AN INDIVIDUAL’S FIRST NAME OR FIRST INITIAL AND LAST NAME, PERSONAL MARK, OR UNIQUE BIOMETRIC OR GENETIC PRINT OR IMAGE, IN COMBINATION WITH ONE OR MORE OF THE FOLLOWING DATA ELEMENTS:”

(1) A SOCIAL SECURITY NUMBER;

(2) A DRIVER’S LICENSE NUMBER, STATE IDENTIFICATION CARD NUMBER, OR OTHER INDIVIDUAL IDENTIFICATION NUMBER ISSUED BY A UNIT;

(3) A PASSPORT NUMBER OR OTHER IDENTIFICATION NUMBER ISSUED BY THE UNITED STATES GOVERNMENT;

(4) AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER; OR

(5) A FINANCIAL OR OTHER ACCOUNT NUMBER, A CREDIT CARD NUMBER, OR A DEBIT CARD NUMBER THAT, IN COMBINATION WITH ANY REQUIRED SECURITY CODE, ACCESS CODE, OR PASSWORD, WOULD PERMIT ACCESS TO AN INDIVIDUAL’S ACCOUNT”.

On page 3, strike in their entirety lines 4 through 14, inclusive; and in line 15, strike “(E)” and substitute “(D)”.

On pages 3 and 4, strike beginning with “THAT” in line 17 on page 3 down through “BUSINESS” in line 9 on page 4.

AMENDMENT NO. 3

On page 4, in lines 10 and 17, strike “(F)” and “(H)”, respectively, and substitute “(E)” and “(F)”, respectively; strike in their entirety lines 13 through 16, inclusive; in line 18, strike “, LEGISLATIVE, OR JUDICIAL”; in line 19, strike the second “AN” and substitute “A PUBLIC”; in the same line, after “INSTITUTION” insert “OF HIGHER EDUCATION”; in line 21, after “BI-COUNTY” insert “, REGIONAL, OR MULTICOUNTY”; in line 22, after “PUBLIC” insert “CORPORATION OR”; after line 23, insert:

“10-1302.

(A) THIS SUBTITLE DOES NOT APPLY TO PERSONAL INFORMATION THAT:

(1) IS PUBLICLY AVAILABLE INFORMATION THAT IS LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC FROM FEDERAL, STATE, OR LOCAL GOVERNMENT RECORDS;

(2) AN INDIVIDUAL HAS CONSENTED TO HAVE PUBLICLY DISSEMINATED OR LISTED;

(3) EXCEPT FOR A MEDICAL RECORD THAT A PERSON IS PROHIBITED FROM REDISCLOSING UNDER § 4-302(D) OF THE HEALTH - GENERAL ARTICLE, IS DISCLOSED IN ACCORDANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; OR

(4) IS DISCLOSED IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT.

(Over)

(B) THIS SUBTITLE DOES NOT APPLY TO THE LEGISLATIVE OR JUDICIAL BRANCH OF STATE GOVERNMENT.;

in line 24, strike “**10-1302.**” and substitute “**10-1303.**”; and in line 30, strike “**AND SIZE**”.

On page 4 in line 25, on page 5 in lines 7 and 15, on page 6 in line 9, on page 8 in line 11, and on page 9 in line 3, in each instance, strike “**A RESIDENT**” and substitute “**AN INDIVIDUAL**”.

On page 4 in lines 26 and 28, on page 5 in lines 9, 15, 20, 23, and 30 and 31, on page 6 in lines 4 and 17, on page 8 in line 22, on page 9 in line 18, and on page 10 in lines 5 and 6, in each instance, strike “**OR PRIVATE**”.

On page 4 in line 26, on page 6 in line 19, on page 7 in lines 26, 27, and 32, on page 8 in line 13, and on page 9 in line 4, in each instance, strike “**RESIDENT**” and substitute “**INDIVIDUAL**”.

On page 5 in line 5, and on page 6 in lines 9, 12, and 31, in each instance, strike “**PRIVATE**” and substitute “**PERSONAL**”.

On page 5, in lines 4 and 25, strike “**10-1303.**” and “**10-1304.**”, respectively, and substitute “**10-1304.**” and “**10-1305.**”, respectively; in line 10, strike “**AND SIZE**”; in line 11, after “**CONTRACT**” insert “**OR AGREEMENT**”; in line 12, strike “**JANUARY**” and substitute “**JULY**”; in line 16, in each instance, after “**CONTRACT**” insert “**OR AGREEMENT**”; in the same line, after “**BY**” insert “**WRITTEN**”; and strike beginning with the first “**THE**” in line 26 down through “**BREACH**” in line 28 and substitute “**BREACH**”.

On page 6 in line 30, and on page 7 in line 4, in each instance, after “A” insert “NONAFFILIATED THIRD”.

AMENDMENT NO. 4

On page 6, in line 1, strike “(II)” and substitute “(2)”; strike in their entirety lines 6 and 7; strike beginning with “RESIDENT” in line 13 down through “FRAUD” in line 14 and substitute “INDIVIDUAL HAS RESULTED IN OR IS LIKELY TO RESULT IN THE MISUSE OF THE INFORMATION”; in line 15, strike “IF” and substitute “(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF”; in line 16, strike “THE UNAUTHORIZED ACQUISITION” and substitute “MISUSE”; in the same line, strike “RESIDENT’S” and substitute “INDIVIDUAL’S”; in lines 17 and 33, in each instance, strike “CREATED” and substitute “OCCURRED”; in lines 17 and 34, in each instance, strike “REASONABLY”; in lines 18 and 34, in each instance, strike “CREATE A MATERIAL RISK OF IDENTITY FRAUD” and substitute “OCCUR”; in line 18, after “UNIT” insert “OR THE NONAFFILIATED THIRD PARTY, IF AUTHORIZED UNDER A WRITTEN CONTRACT OR AGREEMENT WITH THE UNIT,”; after line 19, insert:

“(II) UNLESS THE UNIT OR NONAFFILIATED THIRD PARTY KNOWS THAT THE ENCRYPTION KEY HAS BEEN BROKEN, A UNIT OR THE NONAFFILIATED THIRD PARTY IS NOT REQUIRED TO NOTIFY AN INDIVIDUAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF:

1. THE PERSONAL INFORMATION OF THE INDIVIDUAL WAS SECURED BY ENCRYPTION OR REDACTED; AND

2. THE ENCRYPTION KEY HAS NOT BEEN COMPROMISED OR DISCLOSED.”;

strike beginning with the comma in line 22 down through “**DAYS**” in line 23; and in line 33, strike “**RESIDENT’S PRIVATE**” and substitute “**INDIVIDUAL’S PERSONAL**”.

On page 7, in lines 1 and 2 and 17, in each instance, strike “, **BUT NOT LATER THAN 45 DAYS**”; in line 2, strike “**UNIT**” and substitute “**NONAFFILIATED THIRD PARTY**”; in line 7, strike “**SUBSECTIONS**” and substitute “**SUBSECTION**”; and in lines 7 and 8, strike “**AND (C)**”.

On page 8, in line 16, strike “**STATEWIDE**” and substitute “**APPROPRIATE**”.

On page 9, strike beginning with “**AND**” in line 7 down through “**SECTION**” in line 8; in line 11, strike “**§ 10-1301(H)(1)**” and substitute “**§ 10-1301(F)(1)**”; in lines 20 and 23, strike “**10-1305.**” and “**10-1306.**”, respectively, and substitute “**10-1306.**” and “**10-1307.**”, respectively; and in line 24, strike “**§ 10-1304**” and substitute “**§ 10-1305**”.

AMENDMENT NO. 5

On page 10, in line 1, strike “**10-1307.**” and substitute “**10-1308.**”; strike beginning with “**(A)**” in line 2 down through “**AFFILIATE**” in line 11 and substitute “**A UNIT OR NONAFFILIATED THIRD PARTY**”; and in line 13, after “**ACCURATE**” insert “**CREDIT**”.

On pages 10 and 11, strike in their entirety the lines beginning with line 20 on page 10 through line 3 in page 11, inclusive.

On page 11, in line 5, strike “October 1, 2013” and substitute “**July 1, 2014**”.