19.0639.02000

Sixty-sixth
Legislative Assembly
of North Dakota

Introduced by

Representatives Keiser, O'Brien

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1138

1   A BILL for an Act to amend and reenact subsection 2 of section 26.1-02-27 of the North Dakota

2   Century Code, relating to annual privacy notices.

3   **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4   **SECTION 1. AMENDMENT.** Subsection 2 of section 26.1-02-27 of the North Dakota

5   Century Code is amended and reenacted as follows:

6   2.   a.   The commissioner shall adopt rules necessary to carry out this section.

7   b.a.   The rules must be consistent with and not more restrictive than the model

8   regulation adopted by the national association of insurance commissioners

9   entitled "Privacy of Consumer Financial and Health Information Regulation".

10   c.b.   Notwithstanding subdivision ba and subject to the exceptions, including the

11   affiliate sharing exception provided for in the national association of insurance

12   commissioners' model regulation, the rules may prohibit the disclosure of

13   nonpublic personal health and financial information concerning an individual

14   unless an authorization is obtained from the individual whose nonpublic personal

15   health and financial information is sought to be disclosed.

16   c.   The rules may not require an insurance company, nonprofit health service

17   corporation, or health maintenance organization to provide an annual privacy

18   notice if the insurance company, nonprofit health service corporation, or health

19   maintenance organization:

20   (1)   Complies with nonaffiliated third party sharing rules adopted by the

21   commissioner; and

22   (2)   Has not changed the insurance company's, nonprofit health service

23   corporation's, or health maintenance organization's policies and practices

24   with regard to disclosing nonpublic personal information from the policies

1   and practices that were disclosed in the most recent notice sent to

2   consumers.