

**FIRST ENGROSSMENT  
with Conference Committee Amendments  
ENGROSSED HOUSE BILL NO. 1179**

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to amend and reenact section 26.1-02-27 of the North Dakota Century Code,  
2 relating to disclosing nonpublic personal information.

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

4 **SECTION 1. AMENDMENT.** Section 26.1-02-27 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **26.1-02-27. Disclosing nonpublic personal information.**

- 7 1. An insurance company, nonprofit health service corporation, or health  
8 maintenance organization may not disclose to a nonaffiliated third party a  
9 customer's nonpublic personal information contrary to the provisions of title V of  
10 the Gramm-Leach-Bliley Act [Pub. L. 106-102; 113 Stat. 1436] or contrary to the  
11 rules adopted by the commissioner under this section.
- 12 2. a. The commissioner ~~may~~ shall adopt rules ~~as may be~~ necessary to carry out  
13 this section.
- 14 b. The rules must be consistent with and not more restrictive than the model  
15 regulation adopted by the national association of insurance commissioners  
16 entitled "Privacy of Consumer Financial and Health Information Regulation".
- 17 c. Notwithstanding subdivision b and subject to the exceptions, including the  
18 affiliate sharing exception provided for in the national association of insurance  
19 commissioner's model regulation, the rules may prohibit the disclosure of  
20 nonpublic personal health and financial information concerning an individual  
21 unless an authorization is obtained from the individual whose nonpublic  
22 personal health and financial information is sought to be disclosed.
- 23 3. This section does not create a private right of action.