

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1138

Introduced by

Representatives Keiser, O'Brien

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 ~~e.b.~~ Notwithstanding subdivision b and subject to the exceptions, including the affiliate
11 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.