

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1283

Introduced by

Representatives Kasper, Dosch, Ruby

1 A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota
2 Century Code, relating to confidentiality of identifying information and prohibited acts by
3 pharmacies and pharmacists.

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

5 **SECTION 1.** A new section to chapter 43-15 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Confidentiality of identifying customer information - Exceptions.**

- 8 1. Unless a customer provides express authorization under this section, a pharmacist
9 or pharmacy may not:
- 10 a. Disclose individually identifiable health information to a third party for the
11 purpose of marketing a product or service; or
- 12 b. Participate in for-profit marketing of a product or service to a customer if the
13 marketing to the customer is based upon identifying customer information.
- 14 2. A pharmacist or pharmacy may disclose identifying customer information to a
15 business associate without the express authorization under this section if the
16 disclosure is related to treatment or health care operations of the pharmacy and if
17 that disclosure is not for marketing purposes. The recipient of individually
18 identifiable information under this subsection shall keep the information
19 confidential.
- 20 3. An express authorization by a customer under this section must include an
21 expiration date; must clearly identify who will be provided the individually
22 identifiable information; must clearly identify what the individually identifiable health
23 information will be used for; must be in writing; and must be made knowingly by
24 the customer.

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- 1 4. This section does not limit the ability of a pharmacist to dispense generic drugs or
2 provide drug counseling to customers.