

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1438

Page 1, line 1, after "25-01.3-01" insert "and a new section to chapter 44-04"

Page 1, line 2, after "definitions" insert "and duties to protect information", replace "sections" with "section", and after the second comma insert "subsection 1 of section 23-07-01.1, sections"

Page 1, line 3, remove the first comma and replace "sections" with "section"

Page 1, line 5, replace "and" with a comma and remove "subsection 1"

Page 1, line 6, remove the first "of section" and replace the second "section" with "and"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 23-07-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~All physicians and other medical professionals~~ A physician or other health care provider may report immediately to the department of transportation in writing, the name, date of birth, and address of every ~~person~~ individual fourteen years of age or over coming before them for examination, attendance, care, or treatment ~~when~~ if there is reasonable cause to believe that ~~such person~~ the individual due to physical or mental reason is incapable of safely operating a motor vehicle or diagnosed as a case of a disorder defined as characterized by lapses of consciousness, gross physical or mental impairments, and the report is necessary to prevent or lessen a serious and imminent threat to the health or safety of the individual or the public.

Page 6, line 22, after "and" insert "any other person"

Page 8, line 26, remove "An exposed", overstrike "person" and insert immediately thereafter "An exposed individual", and replace "source individual" with "test subject"

Page 8, line 30, overstrike the comma

Page 8, line 31, remove "source" and overstrike "person" and insert immediately thereafter "test subject"

Page 9, line 12, after the first "the" insert "test"

Page 9, line 13, after the first "the" insert "test"

Page 12, line 7, after "103" insert "and part 164, section 5-02, subsection g, respectively"

Page 12, line 8, replace "Subsection 1 of section" with "Section"

Page 12, after line 9, insert:

"25-01.3-10. Confidentiality and privileged information."

Page 13, after line 3, insert:

- "2. Unless ordered by a court of competent jurisdiction, the name of ~~a person~~ an individual who in good faith makes a report or complaint may not be ~~released or~~ disclosed by the committee or the project."

Page 18, after line 6, insert:

"SECTION 25. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Business associate - Duty to protect information.

1. As used in this section, "business associate" has the meaning set forth in title 45, Code of Federal Regulations, part 160, section 103.
2. If a public entity is acting as a business associate of another public entity, the entity acting as a business associate shall comply with all the requirements applicable to a business associate under title 45, Code of Federal Regulations, part 164, section 504, subsection e, paragraph 2."

Renumber accordingly