STATE OF NEW YORK

785

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law and the general business law, in relation to including medical information and health insurance information in the definition of personal identifying information for certain purposes; and to repeal certain provisions of the general business law and the state technology law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 190.77 of the penal law, as separately amended by chapters 226 and 279 of the laws of 2008, is amended to read as follows:

1. For the purposes of sections 190.78, 190.79, 190.80 [~~and~~], 190.80-a and 190.85 of this article "personal identifying information" means a person's name, address, telephone number, date of birth, driver's license number, social security number, place of employment, mother's maiden name, financial services account number or code, savings account number or code, checking account number or code, brokerage account number or code, credit card account number or code, debit card number or code, automated teller machine number or code, taxpayer identification number, computer system password, signature or copy of a signature, electronic signature, unique biometric data that is a fingerprint, voice print, retinal image or iris image of another person, telephone calling card number, mobile identification number or code, electronic serial number or personal identification number, *medical information, health insurance information,* or any other name, number, code or information that may be used alone or in conjunction with other such information to assume the identity of another person.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 2. The opening paragraph of subdivision 2 of section 190.77 of the penal law, as amended by chapter 226 of the laws of 2008, is amended to read as follows:

For the purposes of **subdivision one of this section and** sections 190.78, 190.79, 190.80, 190.80-a, 190.81, 190.82 [~~and~~], 190.83 **and 190.85** of this article:

§ 3. Subdivision 1 of section 190.78 of the penal law, as amended by a chapter of the laws of 2024 amending the penal law, the general business law and the state technology law relating to adding medical and health insurance information within the definitions of identity theft, as proposed in legislative bills numbers S. 2376-B and A. 4737-B, is amended to read as follows:

1. obtains goods, money, [~~medical information, health insurance information,~~] property or services or uses credit in the name of such other person or causes financial loss to such person or to another person or persons; or

§ 4. Subdivision 1 of section 190.79 of the penal law, as amended by a chapter of the laws of 2024 amending the penal law, the general business law and the state technology law relating to adding medical and health insurance information within the definitions of identity theft, as proposed in legislative bills numbers S. 2376-B and A. 4737-B, is amended to read as follows:

1. obtains goods, money, [~~medical information, health insurance information,~~] property or services or uses credit in the name of such other person in an aggregate amount that exceeds five hundred dollars; or

§ 5. Subdivision 1 of section 190.80 of the penal law, as amended by a chapter of the laws of 2024 amending the penal law, the general business law and the state technology law relating to adding medical and health insurance information within the definitions of identity theft, as proposed in legislative bills numbers S. 2376-B and A. 4737-B, is amended to read as follows:

1. obtains goods, money, [~~medical information, health insurance information,~~] property or services or uses credit in the name of such other person in an aggregate amount that exceeds two thousand dollars; or

§ 6. Clauses 6 and 7 of subparagraph (i) of paragraph (b) of subdivision 1 of section 899-aa of the general business law, as added by a chapter of the laws of 2024 amending the penal law, the general business law and the state technology law relating to adding medical and health insurance information within the definitions of identity theft, as proposed in legislative bills numbers S. 2376-B and A. 4737-B, are amended to read as follows:

(6) medical information**, meaning any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional**; or

(7) health insurance information**, meaning an individual's health insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the individual or any information in an individual's application and claims history, including but not limited to, appeals history**; or

§ 7. The second and third undesignated paragraphs of paragraph (b) of subdivision 1 of section 899-aa of the general business law, as added by a chapter of the laws of 2024 amending the penal law, the general business law and the state technology law relating to adding medical and health insurance information within the definitions of identity theft, as proposed in legislative bills numbers S. 2376-B and A. 4737-B, are REPEALED.

§ 8. Clauses 6 and 7 of subparagraph (i) of paragraph (a) and the second and third undesignated paragraphs of such paragraph of subdivision 1 of section 208 of the state technology law, as added by a chapter of the laws of 2024 amending the penal law, the general business law and the state technology law relating to adding medical and health insurance information within the definitions of identity theft, as proposed in legislative bills numbers S. 2376-B and A. 4737-B, are REPEALED.

§ 9. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the penal law, the general business law and the state technology law relating to adding medical and health insurance information within the definitions of identity theft, as proposed in legislative bills numbers S. 2376-B and A. 4737-B, takes effect.