STATE OF NEW YORK

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1185

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019
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Introduced by M. of A. CAHILL, LIFTON, LUPARDO -- read once and referred
to the Committee on Insurance

AN ACT to amend the insurance law, in relation to authorizing continuing
care retirement communities to adopt a written cybersecurity policy

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

1   Section 1. Section 1119 of the insurance law is amended by adding a
2 new subsection (d) to read as follows:
3   **(d) Such organization may adopt a written cybersecurity policy that is**
4 **designed to protect the confidentiality, integrity and security of**
5 **nonpublic information and is in compliance with: (i) the Health Informa-**
6 **tion Technology for Economic and Clinical Health Act ("HITECH"), the**
7 **Health Insurance Portability and Accountability Act ("HIPAA"), the**
8 **Gramm-Leach-Bliley Act; and (ii) all other applicable cybersecurity and**
9 **privacy protections governing nursing homes, adult care facilities and**
10 **assisted living residences to the extent the protections govern those**
11 **components of such organization's operations. The cybersecurity policy**
12 **shall be self-certified by such organization and such self-certified**
13 **cybersecurity policy shall be filed with the superintendent. The self-**
14 **certification shall attest that the policy provides sufficient**
15 **protections of nonpublic information in a manner which is not inconsist-**
16 **ent with the goals of the cybersecurity policies adopted by financial**
17 **services companies pursuant to regulations promulgated by the super-**
18 **intendent. Such self-certification shall be deemed compliant with such**
19 **regulations applicable to financial services companies. The superinten-**
20 **dent shall review the accuracy and reasonableness of the attestation.**
21 **Unless the superintendent objects to the attestation within sixty days**
22 **from the date it is submitted, such attestation shall be deemed**
23 **approved.**
24   § 2. This act shall take effect immediately.

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