STATE OF NEW YORK

3175

2019-2020 Regular Sessions

IN SENATE

February 4, 2019

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

AN ACT to amend the penal law, in relation to the unlawful possession of a patient record

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

Section 1. The penal law is amended by adding a new section 250.70 to read as follows:

§ 250.70 Unlawful possession of a patient record.

A person is guilty of unlawful possession of a patient record when the person obtains a patient record without legal authority, or receives a patient record that was disclosed to him or her without legal authority, and intentionally disregards a written demand by a health care provider that lawfully possessed such record, or by the patient who is the subject of such record, to return or destroy the record. For the purpose of this section, "patient record" shall mean patient information as defined in section eighteen of the public health law that is in written or electronic form, and "person" does not include a covered entity within the meaning of HIPAA regulations.

Unlawful possession of a patient record is a class A misdemeanor.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

LBD09193-01-9