

# STATE OF NEW YORK

920

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Codes

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:

1 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  
2 to read as follows:  
3  
4 1. For the purposes of sections 190.78, 190.79, 190.80 [~~and~~], 190.80-a  
5 and 190.85 of this article "personal identifying information" means a  
6 person's name, address, telephone number, date of birth, driver's  
7 license number, social security number, place of employment, mother's  
8 maiden name, financial services account number or code, savings account  
9 number or code, checking account number or code, brokerage account  
10 number or code, credit card account number or code, debit card number or  
11 code, automated teller machine number or code, taxpayer identification  
12 number, computer system password, signature or copy of a signature,  
13 electronic signature, unique biometric data that is a fingerprint, voice  
14 print, retinal image or iris image of another person, telephone calling  
15 card number, mobile identification number or code, electronic serial  
16 number or personal identification number, medical information, health  
17 insurance information, or any other name, number, code or information  
18 that may be used alone or in conjunction with other such information to  
19 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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1 § 2. The opening paragraph of subdivision 2 of section 190.77 of the  
2 penal law, as amended by chapter 226 of the laws of 2008, is amended to  
3 read as follows:

4 For the purposes of subdivision one of this section and sections  
5 190.78, 190.79, 190.80, 190.80-a, 190.81, 190.82 [~~and~~], 190.83 and  
6 190.85 of this article:

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

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

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

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

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

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

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

42 (6) medical information, meaning any information regarding an individ-  
43 ual's medical history, mental or physical condition, or medical treat-  
44 ment or diagnosis by a health care professional; or

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

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

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

8 § 9. This act shall take effect on the same date and in the same  
9 manner as a chapter of the laws of 2024 amending the penal law, the  
10 general business law and the state technology law relating to adding  
11 medical and health insurance information within the definitions of iden-  
12 tity theft, as proposed in legislative bills numbers S. 2376-B and A.  
13 4737-B, takes effect.