

House Bill 1075

By: Representatives Hawkins of the 27th, Cooper of the 43rd, Chandler of the 105th, Rakestraw of the 19th, Rogers of the 29th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 10-1-393.5 of the Official Code of Georgia Annotated, relating to
2 prohibited telemarketing, Internet activities, or home repair, so as to provide that the
3 transmission of another person's medical information shall be deemed an unfair and
4 deceptive trade practice; to provide for a definition; to provide for cumulative remedies; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 10-1-393.5 of the Official Code of Georgia Annotated, relating to prohibited
9 telemarketing, Internet activities, or home repair, is amended by adding a new subsection to
10 read as follows:

11 "(b.2)(1) As used in this subsection, the term 'personal medical information' means
12 evaluations, diagnoses, prognoses, laboratory reports, X-rays, prescriptions, and other
13 technical information used in assessing an individual's physical or mental health
14 condition from an individual's health record.

15 (2) Any person who is engaged in any activity involving or using a computer or
16 computer network who transmits by electronic media or other form of medium personal
17 medical information of an individual without such individual's consent to any third party
18 individual or entity that is within this state shall be deemed to be transacting business in
19 this state. Any such person shall be deemed to be committing an unlawful unfair and
20 deceptive act or practice under this part.

21 (3) This subsection shall be cumulative to any other remedies that may be available
22 under the laws of this state or under the federal Health Insurance Portability and
23 Accountability Act of 1996, P.L. 104-191."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.