

**[CHAPTER 323B]**  
**HEALTH CARE PRIVACY HARMONIZATION ACT**

Section

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" **[\$323B-1] Applicability.** This chapter shall apply, unless amended by specific reference to this chapter or any section thereof. [L 2012, c 315, pt of §2]

" **[\$323B-2] Definitions.** As used in this chapter:

"Breach" has the same meaning as in 45 Code of Federal Regulations section 164.402, as may be amended.

"Business associate" has the same meaning as in 45 Code of Federal Regulations section 160.103, as may be amended.

"Covered entity" has the same meaning as in 45 Code of Federal Regulations section 160.103, as may be amended.

"Disclosure" has the same meaning as in 45 Code of Federal Regulations section 160.103, as may be amended.

"Health information" has the same meaning as in 45 Code of Federal Regulations section 160.103, as may be amended.

"Individually identifiable health information" has the same meaning as in 45 Code of Federal Regulations section 160.103, as may be amended.

"Unsecured protected health information" has the same meaning as in 45 Code of Federal Regulations section 164.402, as may be amended.

"Use" has the same meaning as in 45 Code of Federal Regulations section 160.103, as may be amended. [L 2012, c 315, pt of §2]

" **[\$323B-3] Privacy of individually identifiable health information.** (a) Notwithstanding any law to the contrary, any use or disclosure of individually identifiable health information by any covered entity or business associate that is permitted by 45 Code of Federal Regulations part 164, subpart E, shall be deemed to comply with all state laws relating to the use, disclosure, or confidentiality of such information.

(b) Notwithstanding any law to the contrary, an authorization for release of individually identifiable health information that complies with 45 Code of Federal Regulations section 164.508 shall be deemed to comply with all state laws relating to individual authorization.

(c) Notwithstanding any law to the contrary, any notice of breach of unsecured protected health information that complies with 45 Code of Federal Regulations part 164, subpart D, shall be deemed to comply with all state laws relating to notice of breach of protected health information. [L 2012, c 315, pt of §2]

" **[\$323B-4] Relationship to other laws.** Nothing in this chapter shall be construed to:

- (1) Authorize the disclosure of individually identifiable health information to the extent that disclosure is restricted by federal law or regulations, including federal regulations about the confidentiality of information about drugs and alcohol, as set forth in 42 Code of Federal Regulations part 2;
- (2) Compel the disclosure of individually identifiable health information that is not required by law to be disclosed;
- (3) Require a written authorization for release of individually identifiable health information or de-identified information to the extent that the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and its related regulations, as may be amended, does not require such authorization;
- (4) Limit or otherwise affect any state law that:
  - (A) Requires persons or entities to report disease, injury, child abuse, elder abuse, domestic violence, birth, or death; or
  - (B) Governs public health surveillance, investigation, or intervention;
- (5) Limit or otherwise affect health plan reporting, including reporting required for purposes of state management or financial audits; or
- (6) Limit or otherwise affect any evidentiary privilege, limitation on discovery, or confidentiality protection provided by any state law, decision, or order in relation to individually identifiable health information sought, used, or produced in any judicial or administrative proceeding. [L 2012, c 315, pt of §2]