



SPONSOR: Rep. Baumbach

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 180

AMEND House Substitute No. 1 for House Bill No. 180 on line 26 by deleting "reasonably" after the word "to" and before word "conclude" as it appears therein.

AMEND House Substitute No. 1 for House Bill No. 180 on line 65 by deleting "mental or physical condition," after the word "history," and before the word "medical" as it appears therein.

AMEND House Substitute No. 1 for House Bill No. 180 between lines 71 and 72 by inserting therein the following:

"10. Mental or physical condition, except to the extent that such information is contained in an open text field of an electronic communication and the owner or licensee of the information is not subject to the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191, as amended) and has not specifically requested the information in relation to such person's business."

AMEND House Substitute No. 1 for House Bill No. 180 on line 97 by deleting "chapter" and inserting in lieu thereof "title" after the word "this" and before the word "may" as it appears therein.

AMEND House Substitute No. 1 for House Bill No. 180 on line 106 by deleting "chapter" and inserting in lieu thereof "title" after the word "this" and before the word "to" as it appears therein.

AMEND House Substitute No. 1 for House Bill No. 180 on line 108 by deleting "chapter" and inserting in lieu thereof "title to such residents" after the word "this" and before the word "as" as it appears therein.

AMEND House Substitute No. 1 for House Bill No. 180 on line 120 by deleting "chapter" and inserting in lieu thereof "title" after the word "this" as it appears therein.

AMEND House Substitute No. 1 for House Bill No. 180 on line 123 by inserting "of this title" after "§ 12B-101(3)" and before "or" as it appears therein.

SYNOPSIS

This Amendment makes further revisions to House Substitute No. 1 to House Bill No. 180 to reflect negotiation with stakeholders. Specifically, this Amendment does the following:

Revises the definition of “determination of the breach of security” to remove the word reasonably.

Creates an exception so that information about an individual’s mental or physical condition is not considered personal information under this chapter if that information is contained in “open text” fields and the owner or licensee of the data is not subject to HIPAA.

This Amendment also makes technical corrections to conform to the standards of the Delaware Legislative Drafting Manual.