

JAN 23 2015

A BILL FOR AN ACT

RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 435H, Hawaii Revised Statutes, is
2 amended by adding four new section to be appropriately
3 designated and to read as follows:

4 "§435H-A Personal information protection. (a) Navigators
5 or non-navigator assistance personnel shall not intentionally
6 communicate or otherwise make available to the general public a
7 consumer's personal information.

8 (b) Navigators or non-navigator assistance personnel in
9 possession of personal information of a consumer shall safeguard
10 the records, including data, computer files, or documents,
11 containing the personal information from misuse by third
12 parties, and shall destroy, erase, or make unreadable the
13 records prior to disposal.

14 §435H-B Violations; civil penalties. (a) Any navigator
15 or non-navigator assistance personnel that violates section
16 435H-A shall be subject to civil penalties of not more than



1 \$2,500 for each violation. The attorney general may bring an
2 action pursuant to this section.

3 (b) In a civil action brought under this section, if the
4 court finds a navigator or non-navigator assistance personnel
5 has violated this chapter, the court may award compensatory
6 damages, punitive damages, costs of the action, and reasonable
7 attorney's fees to the injured party.

8 **§435H-C Criminal penalties.** (a) Any navigator or non-
9 navigator assistance personnel that publishes or communicates a
10 consumer's personal information shall be fined not more than
11 \$5,000, imprisoned not more than five years, or both.

12 (b) A person or entity that knowingly and falsely
13 represents that the person or entity is, or holds that person or
14 entity's self out as, a navigator or non-navigator assistance
15 personnel shall be fined not more than \$5,000, imprisoned not
16 more than five years, or both.

17 (c) Any navigator or non-navigator assistance personnel
18 that publishes or communicates a consumer's personal information
19 with the intent to sell, transfer, or use the consumer's
20 personal information for commercial advantage, personal gain, or



1 malicious harm shall be fined not more than \$25,000, imprisoned
2 not more than ten years, or both.

3 **§435H-D Cumulative penalties.** Unless otherwise expressly
4 provided, the remedies or penalties provided by this chapter are
5 cumulative to each other and to the remedies or penalties
6 available under all other laws of this State."

7 SECTION 2. Section 435H-1, Hawaii Revised Statutes, is
8 amended by adding four new definitions to be appropriately
9 inserted and to read as follows:

10 "Disposal" has the same meaning as in section 487R-1.

11 "Navigators or non-navigator assistance personnel" means
12 entities or individuals who meet the requirements and standards
13 for navigators and non-navigator assistance personnel specified
14 in section 1311(i) of the Federal Act and title 45 Code of
15 Federal Regulations part 155.

16 "Personal information" has the same meaning as in section
17 487N-1.

18 "Records" has the same meaning as in section 487N-1."

19 SECTION 3. New statutory material is underscored.



S.B. NO. 357

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 357

Report Title:

Hawaii Health Insurance Exchange; Navigators and Non-navigator Assistance Personnel; Personal Information; Penalties

Description:

Prohibits navigators and non-navigator assistance personnel associated with the Hawaii health insurance exchange from misusing the personal information of consumers. Establishes civil and criminal penalties for violations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

