

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-0296.01 Bart Miller x2173

HOUSE BILL 14-1141

HOUSE SPONSORSHIP

Coram,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS**
102 **UNDER THE "COLORADO CONSUMER PROTECTION ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill:

- ! Prohibits an entity with a board of directors, including an advisory board, from requiring an unpaid member of the board to disclose his or her social security number to the entity in order to serve as a member of the board;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 7, 2014

- ! Makes it unlawful for the state or any local government to deny an individual a right, benefit, or privilege provided by law because the individual refuses to disclose his or her social security number;
- ! Requires the state or any local government that requests an individual to disclose his or her social security number to inform the individual whether the disclosure is mandatory or voluntary, by what statutory or other authority the social security number is solicited, and what uses will be made of the individual's social security number; and
- ! Clarifies that Colorado's statute on confidentiality of social security numbers does not apply with respect to patient information for entities subject to the federal "Health Insurance Portability and Accountability Act of 1996".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-715, **amend** (4)
 3 introductory portion and (4) (b); and **add** (1.5) and (3.5) as follows:

4 **6-1-715. Confidentiality of social security numbers.**

5 (1.5) (a) AN ENTITY WITH A BOARD OF DIRECTORS, INCLUDING ANY
 6 ADVISORY BOARD, SHALL NOT REQUIRE A MEMBER OF THE BOARD OF
 7 DIRECTORS WHO IS NOT PAID FOR SERVING ON THE BOARD, EXCEPT FOR
 8 OCCASIONAL REIMBURSEMENT OF INCIDENTAL EXPENSES OF SERVING ON
 9 THE BOARD, TO DISCLOSE THE MEMBER'S SOCIAL SECURITY NUMBER TO
 10 THE ENTITY IN ORDER TO SERVE AS A MEMBER OF THE BOARD.

11 (b) THE PROHIBITION IN PARAGRAPH (a) OF THIS SUBSECTION (1.5)
 12 DOES NOT PREVENT AN ENTITY THAT IS REQUIRED BY LAW, RULE, OR A
 13 GOVERNMENT OR ACCREDITATION ORGANIZATION'S RECOMMENDED
 14 PROGRAM OF LEGAL COMPLIANCE TO REQUIRE A MEMBER OF ITS BOARD OF
 15 DIRECTORS TO PROVIDE A SOCIAL SECURITY NUMBER TO USE TO CHECK
 16 ANY GOVERNMENTAL BACKGROUND CHECK DATABASE OR TO REIMBURSE
 17 A MEMBER FOR EXPENSES INCURRED IN THE ACTUAL PERFORMANCE OF HIS

1 OR HER DUTIES.

2 (3.5) IT IS UNLAWFUL FOR THE STATE OR ANY LOCAL GOVERNMENT
3 TO DENY AN INDIVIDUAL ANY RIGHT, BENEFIT, OR PRIVILEGE PROVIDED BY
4 LAW THAT WOULD VIOLATE THE FEDERAL "PRIVACY ACT OF 1974", PUB.L.
5 93-579, SEC. 7, BECAUSE OF THE INDIVIDUAL'S REFUSAL TO DISCLOSE HIS
6 OR HER SOCIAL SECURITY NUMBER UNLESS FEDERAL OR STATE LAW
7 REQUIRES SUCH DISCLOSURE. THE STATE OR ANY LOCAL GOVERNMENT
8 THAT REQUESTS AN INDIVIDUAL TO DISCLOSE HIS OR HER SOCIAL SECURITY
9 NUMBER SHALL INFORM THE INDIVIDUAL WHETHER THAT DISCLOSURE IS
10 MANDATORY OR VOLUNTARY, BY WHAT STATUTORY OR OTHER AUTHORITY
11 THE SOCIAL SECURITY NUMBER IS SOLICITED, AND WHAT USES WILL BE
12 MADE OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER.

13 (4) This section ~~shall~~ DOES not apply to:

14 (b) WITH RESPECT TO PATIENT INFORMATION, an entity that is
15 subject to the federal "Health Insurance Portability and Accountability
16 Act of 1996", as amended, 42 U.S.C. sec. 1320d to 1320d-9.

17 **SECTION 2. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly (August 6, 2014, if adjournment sine die is on May 7,
21 2014); except that, if a referendum petition is filed pursuant to section 1
22 (3) of article V of the state constitution against this act or an item, section,
23 or part of this act within such period, then the act, item, section, or part
24 will not take effect unless approved by the people at the general election
25 to be held in November 2014 and, in such case, will take effect on the
26 date of the official declaration of the vote thereon by the governor.

- 1 (2) This act applies to acts occurring on or after the applicable
- 2 effective date of this act.