

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 14-0296.01 Bart Miller x2173

HOUSE BILL 14-1141

HOUSE SPONSORSHIP

Coram,

SENATE SPONSORSHIP

Roberts,

House Committees
State, Veterans, & Military Affairs

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS**
102 **UNDER STATUTES PROTECTING THE PRIVACY OF INDIVIDUALS.**

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.*

SENATE
3rd Reading Unamended
April 1, 2014

SENATE
Amended 2nd Reading
March 31, 2014

HOUSE
3rd Reading Unamended
March 10, 2014

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, add 8-2-128 as**
3 **follows:**

4 **8-2-128. Prohibitions of employer - requiring social security**
5 **number - exceptions. (1) (a)** AN ENTITY WITH A BOARD OF DIRECTORS,
6 INCLUDING ANY ADVISORY BOARD, SHALL NOT REQUIRE A MEMBER OF THE
7 BOARD OF DIRECTORS WHO IS NOT PAID FOR SERVING ON THE BOARD,
8 EXCEPT FOR OCCASIONAL REIMBURSEMENT OF INCIDENTAL EXPENSES OF
9 SERVING ON THE BOARD, TO DISCLOSE THE MEMBER'S SOCIAL SECURITY
10 NUMBER TO THE ENTITY IN ORDER TO SERVE AS A MEMBER OF THE BOARD.

11 **(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1),**
12 **A CURRENT OR PROSPECTIVE BOARD MEMBER MAY BE REQUIRED TO**
13 **DISCLOSE HIS OR HER SOCIAL SECURITY NUMBER:**

14 **(I) TO AN ENTITY THAT IS REQUIRED BY LAW, RULE, OR A**
15 **GOVERNMENT OR ACCREDITATION ORGANIZATION'S RECOMMENDED**
16 **PROGRAM OF LEGAL COMPLIANCE TO REQUIRE A MEMBER OF ITS BOARD OF**
17 **DIRECTORS TO PROVIDE A SOCIAL SECURITY NUMBER TO USE TO CHECK**

1 ANY GOVERNMENTAL BACKGROUND CHECK DATABASE OR TO REIMBURSE
2 A MEMBER FOR EXPENSES INCURRED IN THE ACTUAL PERFORMANCE OF HIS
3 OR HER DUTIES;

4 (II) IF THE BOARD MEMBER WOULD DIRECTLY SERVE A CLIENTELE
5 THAT INCLUDES MINORS, THE ELDERLY, VICTIMS OF ABUSE, PERSONS WITH
6 DEVELOPMENTAL DISABILITIES, OR OTHER VULNERABLE INDIVIDUALS AND
7 THAT HAS AN ESTABLISHED POLICY OF USING A PROFESSIONAL
8 EMPLOYMENT SCREENING SERVICE TO CONDUCT BACKGROUND CHECKS,
9 UTILIZING SOCIAL SECURITY NUMBERS, TO SCREEN ITS PERSONNEL, BOARD
10 MEMBERS, OR VOLUNTEERS; OR

11 (III) IF THE BOARD MEMBER WOULD BE AUTHORIZED TO SIGN
12 CHECKS OR ENGAGE IN OTHER TRANSACTIONS INVOLVING THE ENTITY'S
13 ASSETS OR ACCOUNTS, AND THE FINANCIAL INSTITUTION HOLDING THOSE
14 ASSETS OR ACCOUNTS REQUIRES A SOCIAL SECURITY NUMBER TO VERIFY
15 THE IDENTITY OF PERSONS SO AUTHORIZED.

16 (c) AN ENTITY THAT REQUIRES AN INDIVIDUAL TO PROVIDE HIS OR
17 HER SOCIAL SECURITY NUMBER FOR ONE OF THE REASONS LISTED IN
18 PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL STATE THE REASON AND
19 SPECIFY WHAT USES WILL BE MADE OF THE INDIVIDUAL'S SOCIAL SECURITY
20 NUMBER.

21 (2) IT IS UNLAWFUL FOR THE STATE OR ANY LOCAL GOVERNMENT
22 TO DENY AN INDIVIDUAL ANY RIGHT, BENEFIT, OR PRIVILEGE PROVIDED BY
23 LAW THAT WOULD VIOLATE THE FEDERAL "PRIVACY ACT OF 1974", PUB.L.
24 93-579, SEC. 7, BECAUSE OF THE INDIVIDUAL'S REFUSAL TO DISCLOSE HIS
25 OR HER SOCIAL SECURITY NUMBER UNLESS FEDERAL LAW, STATE LAW OR
26 RULE, OR A RULE, ORDER, OR DIRECTIVE OF A COURT REQUIRES SUCH
27 DISCLOSURE. THE STATE OR ANY LOCAL GOVERNMENT THAT REQUESTS AN

1 INDIVIDUAL TO DISCLOSE HIS OR HER SOCIAL SECURITY NUMBER WHEN THE
2 DISCLOSURE IS NOT REQUIRED BY FEDERAL OR STATE LAW SHALL INFORM
3 THE INDIVIDUAL WHETHER THAT DISCLOSURE IS MANDATORY OR
4 VOLUNTARY, BY WHAT STATUTORY OR OTHER AUTHORITY THE SOCIAL
5 SECURITY NUMBER IS SOLICITED, AND WHAT USES WILL BE MADE OF THE
6 INDIVIDUAL'S SOCIAL SECURITY NUMBER.

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8 **SECTION 2. Act subject to petition - effective date -**

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

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