

The House Committee on Judiciary Non-civil offers the following substitute to SB 170:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to identity fraud, so as to clarify that medical identity fraud is included in identity
3 fraud; to provide for definitions; to provide for related matters; to repeal conflicting laws; and
4 for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 8 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to
8 identity fraud, is amended by revising Code Section 16-9-120, relating to definitions for
9 identity fraud, as follows:

10 "16-9-120.

11 As used in this article, the term:

12 (1) 'Administrator' means the administrator appointed under Part 2 of Article 15 of
13 Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975.'

14 (2) 'Business victim' means any individual or entity that provided money, credit, goods,
15 services, or anything of value to someone other than the intended recipient where the
16 intended recipient has not given permission for the actual recipient to receive it and the
17 individual or entity that provided money, credit, goods, services, or anything of value has
18 suffered financial loss as a direct result of the commission or attempted commission of
19 a violation of this article.

20 (3) 'Consumer victim' means any individual whose personal identifying information has
21 been obtained, compromised, used, or recorded in any manner without the permission of
22 that individual.

23 (4) 'Health care records' means records however maintained and in whatever form
24 regarding an individual's health, including, but not limited to, doctors' and nurses'
25 examinations and other notes, examination notes of other medical professionals, hospital
26 records, rehabilitation facility records, nursing home records, assisted living facility

27 records, results of medical tests, X-rays, CT scans, MRI scans, vision examinations,
 28 pharmacy records, prescriptions, hospital charts, surgical records, mental health
 29 treatments and counseling, dental records, and physical therapy notes and evaluations.

30 ~~(4)~~(5) 'Identifying information' shall include, but not be limited to:

- 31 (A) Current or former names;
- 32 (B) Social security numbers;
- 33 (C) Driver's license numbers;
- 34 (D) Checking account numbers;
- 35 (E) Savings account numbers;
- 36 (F) Credit and other financial transaction card numbers;
- 37 (G) Debit card numbers;
- 38 (H) Personal identification numbers;
- 39 (I) Electronic identification numbers;
- 40 (J) Digital or electronic signatures;
- 41 (K) Medical identification numbers;
- 42 (L) Birth dates;
- 43 (M) Mother's maiden name;
- 44 (N) Selected personal identification numbers;
- 45 (O) Tax identification numbers;
- 46 (P) State identification card numbers issued by state departments; ~~or~~
- 47 (Q) Veteran and military medical identification numbers; and
- 48 ~~(Q)~~(R) Any other numbers or information which can be used to access a person's or
- 49 entity's resources or health care records.

50 ~~(5)~~(6) 'Resources' includes, but is not limited to:

- 51 (A) A person's or entity's credit, credit history, credit profile, and credit rating;
- 52 (B) United States currency, securities, real property, and personal property of any kind;
- 53 (C) Credit, charge, and debit accounts;
- 54 (D) Loans and lines of credit;
- 55 (E) Documents of title and other forms of commercial paper recognized under Title 11;
- 56 (F) Any account, including a safety deposit box, with a financial institution as defined
- 57 by Code Section 7-1-4, including a national bank, federal savings and loan association,
- 58 or federal credit union or a securities dealer licensed by the Secretary of State or the
- 59 federal Securities and Exchange Commission; ~~and~~
- 60 (G) A person's personal history, including, but not limited to, records of such person's
- 61 driving records; criminal, medical, or insurance history; education; or employment; and

62 (H) A person's health insurance, health savings accounts, health spending accounts,
63 flexible spending accounts, medicare accounts, Medicaid accounts, dental insurance,
64 vision insurance, and other forms of health insurance and health benefit plans."

65 **SECTION 2.**

66 All laws and parts of laws in conflict with this Act are repealed.