



General Assembly

Amendment

February Session, 2014

LCO No. 3393

SB0020803393SD0

Offered by:
SEN. DOYLE, 9th Dist.

To: Senate Bill No. 208

File No. 190

Cal. No. 157

**"AN ACT CONCERNING PHARMACY REWARDS PROGRAMS
AND PROTECTED HEALTH INFORMATION."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2014*) (a) For purposes of this
4 section:

5 (1) "Pharmacy rewards program" means a promotional arrangement
6 under which a retailer provides a consumer with store credits,
7 discounts or other tangible benefits in exchange for the consumer
8 filling drug prescriptions through such retailer or its affiliate;

9 (2) "HIPAA authorization" means an authorization to disclose
10 medical records that meets the privacy requirements of the Health
11 Insurance Portability and Accountability Act of 1996 (P.L. 104-191)
12 (HIPAA), as amended from time to time, or regulations adopted
13 thereunder;

14 (3) "Protected health information" has the meaning assigned to it in
15 45 CFR 160.103, as amended from time to time; and

16 (4) "Marketing" has the meaning assigned to it in 45 CFR 164.501, as
17 amended from time to time.

18 (b) Prior to enrolling a consumer in a pharmacy rewards program, a
19 retailer shall provide the consumer with a written plain language
20 summary of the terms and conditions of such program. If the
21 consumer is required to sign a HIPAA authorization form to
22 participate in the program, the retailer shall include information on the
23 form, adjacent to the point where the HIPAA authorization form is to
24 be signed, that states: (1) The specific uses or disclosures of protected
25 health information the HIPAA authorization allows, (2) whether
26 protected health information obtained by the retailer will be disclosed
27 to third parties and, if so disclosed, that such information will not be
28 protected by federal or state privacy laws, (3) which, if any, third
29 parties will have access to the consumer's protected health
30 information, (4) how the consumer may revoke the HIPAA
31 authorization, and (5) that the consumer is entitled to a copy of the
32 HIPAA authorization form once signed.

33 (c) The terms "HIPAA", "Health Insurance Portability and
34 Accountability Act of 1996", "HIPAA authorization", "protected health
35 information" and "marketing" shall be defined in promotional
36 materials, in the plain language summary required pursuant to
37 subsection (b) of this section, and on the HIPAA authorization form
38 adjacent to the point where the HIPAA authorization form is to be
39 signed, if such terms are used in such materials, summary or
40 enrollment form.

41 (d) A violation of subsection (b) or (c) of this section shall be
42 deemed an unfair or deceptive act or practice in the conduct of trade or
43 commerce under subsection (a) of section 42-110b of the general
44 statutes."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	New section