

HB 1317 - AS INTRODUCED

2026 SESSION

26-2963

08/09

HOUSE BILL **1317**

AN ACT relative to patient privacy protections.

SPONSORS: Rep. H. Howard, Straf. 4; Rep. Wade, Straf. 15; Rep. Butler, Straf. 12; Rep. Muns, Rock. 29; Rep. Damon, Sull. 8; Rep. LaMontagne, Straf. 17; Rep. N. Germana, Ches. 15; Rep. Weinstein, Rock. 10; Sen. Watters, Dist 4

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill provides that no state agency, political subdivision, contractor, vendor, or grant recipient shall collect, maintain, or disclose personally identifiable medical, disability, or mental health data to the federal government or any third party, except in limited circumstances as permitted under state and federal law.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to patient privacy protections.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Statement of Purpose.

2 The general court finds that:

3 I. The people of New Hampshire value privacy, personal liberty, and limited government
4 intrusion.

5 II. Individuals with medical conditions, disabilities, or mental health needs are at
6 heightened risk of stigma or discrimination if their personal data is improperly disclosed.

7 III. State protections should align with and reinforce federal laws, including the Health
8 Insurance Portability and Accountability Act (HIPAA), the Americans with Disabilities Act (ADA),
9 Section 504 of the Rehabilitation Act, and the Genetic Information Nondiscrimination Act (GINA).

10 IV. It is the policy of the state that Granite Staters shall not have their personally
11 identifiable medical, disability, or mental health information disclosed by state government unless
12 required by law or with their consent.

13 2 New Subdivision; Health Statistics; Expectation of Privacy in Health Data. Amend RSA 126
14 by inserting after section 34 the following new subdivision:

Expectation of Privacy in Health Data.

15 126:35 Privacy Protections.

16 I. No state agency, political subdivision, contractor, vendor, or grant recipient shall collect,
17 maintain, or disclose personally identifiable medical, disability, or mental health data to the federal
18 government or any third party, unless one or more of the following conditions apply:
19

20 (a) The individual, or the individual’s parent, guardian, or legal representative, has
21 provided informed written consent;

22 (b) Disclosure is expressly required by state or federal law, regulation, or court order; or

23 (c) Disclosure is necessary to provide or coordinate health care, services, supports, or
24 benefits to the individual.

25 II. When disclosure under paragraph I is required:

26 (a) Agencies shall disclose only the minimum data necessary to comply with the legal
27 requirement;

28 (b) De-identified or anonymized data shall be used whenever practicable; and

29 (c) Contractors, vendors, and grant recipients shall be bound by these same standards.

30 126:36 Non-Preemption.

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- Page 2 -

1 Nothing in this subdivision shall be construed to diminish protections provided under federal or
2 state law, including but not limited to:

3 I. The Health Insurance Portability and Accountability Act (HIPAA);

4 II. The Americans with Disabilities Act (ADA);

5 III. Section 504 of the Rehabilitation Act;

6 IV. The Genetic Information Nondiscrimination Act (GINA);

7 V. The New Hampshire law against discrimination;

8 VI. The New Hampshire mental health bill of rights; and

9 VII. Part 1, article 2-b, New Hampshire state constitution, right to privacy.

10 126:37 Enforcement.

11 The attorney general shall have authority to enforce this act. Violations may be subject to civil
12 penalties and corrective action, consistent with state law.

13 3 Effective Date. This act shall take effect 60 days after its passage.