

AMENDMENTS TO HOUSE BILL NO. 1694 (As amended by A03896)

Sponsor: REPRESENTATIVE KRIEGER

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1 Amend Bill, page 1, line 17 (A03896), by striking out "and
2 penalties" and inserting

3 , penalties and private right of action

4 Amend Bill, page 11, by inserting between lines 28 and 29
5 (A03896)

6 (f) Private right of action.--

7 (1) Any person whose private personal or medical
8 information from PAMS is knowingly, intentionally or
9 negligently released, obtained through fraud or
10 misrepresentation or used for a purpose other than a purpose
11 authorized by this section or department regulations and
12 thereby suffers any ascertainable loss of privacy or
13 reputation as a result of an act by any person declared
14 unlawful by subsection (a), may bring a private action to
15 recover actual damages or \$1,000, whichever is greater. The
16 court may, in its discretion, award up to three times the
17 actual damages sustained, but not less than \$1,000, and may
18 provide such additional relief as it deems necessary or
19 proper. The court shall award to the plaintiff, in addition
20 to other relief provided in this section, costs and
21 reasonable attorney fees.

22 (2) Any permanent injunction, judgment or order of the
23 court made under subsection (a) shall be prima facie evidence
24 in an action brought under paragraph (1) that the defendant
25 engaged in activity declared unlawful by subsection (a).