

## 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).