

House File 503 - Introduced

HOUSE FILE 503
BY ANDREWS

A BILL FOR

- 1 An Act relating to consumer data protection, and including
- 2 retroactive applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 715D.1, subsection 5, Code 2025, is
2 amended to read as follows:

3 5. "Child" means any natural person younger than ~~thirteen~~
4 eighteen years of age.

5 Sec. 2. Section 715D.1, Code 2025, is amended by adding the
6 following new subsections:

7 NEW SUBSECTION. 9A. "Decision that produces legal or
8 *similarly significant effects concerning a consumer*" means a
9 decision made by a controller that affects the ability of a
10 person to access any of the following:

11 a. Financial and lending services.

12 b. Housing.

13 c. Insurance.

14 d. Education.

15 e. Criminal justice services.

16 f. Employment opportunities.

17 g. Health care services.

18 NEW SUBSECTION. 12A. "Health data" means data that pertains
19 to the health status of an individual that discloses information
20 related to the past, current, or future physical or mental health
21 status of the individual.

22 NEW SUBSECTION. 21A. "Profiling" means any form of automated
23 processing performed on personal data to evaluate, analyze, or
24 predict specific factors related to the economic status, health,
25 personal preferences, interests, reliability, behavior, location,
26 or movements of an identified or identifiable individual.

27 Sec. 3. Section 715D.1, subsection 14, Code 2025, is amended
28 to read as follows:

29 14. "Health record" means any written, printed, or
30 electronically recorded material maintained by a health care
31 provider in the course of providing health services to an
32 individual concerning the individual and the services provided,
33 including related health information and associated nonhealth
34 information, provided in confidence to a health care provider.

35 Sec. 4. Section 715D.1, subsection 26, Code 2025, is amended

1 by adding the following new paragraph:

2 NEW PARAGRAPH. e. Health data.

3 Sec. 5. Section 715D.2, subsection 2, Code 2025, is amended
4 to read as follows:

5 2. This Except as it relates to health data, this chapter
6 shall not apply to the state or any political subdivision
7 of the state; financial institutions, affiliates of financial
8 institutions, or data subject to Tit. V of the federal
9 Gramm-Leach-Bliley Act of 1999, 15 U.S.C. §6801 et seq.; persons
10 who are subject to and comply with regulations promulgated
11 pursuant to Tit. II, subtit. F, of the federal Health Insurance
12 Portability and Accountability Act of 1996, Pub. L. No. 104-191,
13 and Tit. XIII, subtit. D, of the federal Health Information
14 Technology for Economic and Clinical Health Act of 2009, 42
15 U.S.C. §17921 - 17954; nonprofit organizations; or institutions
16 of higher education.

17 Sec. 6. Section 715D.2, subsection 3, Code 2025, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. Ob. Information or data maintained by a
20 public health authority, as defined by HIPAA, provided the public
21 health authority has received the consumer's consent unless
22 otherwise required by HIPAA.

23 Sec. 7. Section 715D.2, subsection 3, paragraph 1, Code 2025,
24 is amended to read as follows:

25 ~~l. Information used only for public health activities and~~
26 ~~purposes~~ Purposes as authorized by HIPAA, provided that the
27 information is all of the following:

28 (1) De-identified.

29 (2) Aggregated.

30 (3) Processed in batches of no less than one hundred
31 consumers.

32 Sec. 8. Section 715D.3, subsection 1, paragraph d, Code 2025,
33 is amended by striking the paragraph and inserting in lieu
34 thereof the following:

35 d. To be notified of, or to opt out of, profiling in

1 furtherance of a decision that produces legal or similarly
2 significant effects concerning a consumer. Notification to
3 the consumer pursuant to this paragraph shall be in plain
4 language and include the type of data subject to profiling, any
5 requirements for a person receiving the consumer's data to delete
6 or return the data, and the process for a consumer to file a
7 complaint.

8 Sec. 9. RETROACTIVE APPLICABILITY. This Act applies
9 retroactively to January 1, 2025.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to consumer data protection.

14 Under Code section 715D.1, "child" is defined as any natural
15 person younger than 13 years of age. Under the bill, "child" is
16 defined as any natural person younger than 18 years of age.

17 The bill expands the definition of "health record" to include,
18 in addition to any record containing related health information,
19 any record containing nonhealth information that is related
20 to health information provided in confidence to a health care
21 provider.

22 The bill expands the definition of "sensitive data" to include
23 health data. "Health data" is defined in the bill.

24 Under the bill, except as it relates to health data, the
25 Code chapter shall not apply to the state or any political
26 subdivision of the state; financial institutions, affiliates of
27 financial institutions, or data subject to Tit. V of the federal
28 Gramm-Leach-Bliley Act of 1999, 15 U.S.C. §6801 et seq.; persons
29 who are subject to and comply with regulations promulgated
30 pursuant to Tit. II, subtit. F, of the federal Health Insurance
31 Portability and Accountability Act of 1996, Pub. L. No. 104-191,
32 and Tit. XIII, subtit. D, of the federal Health Information
33 Technology for Economic and Clinical Health Act of 2009, 42
34 U.S.C. §17921 - 17954; nonprofit organizations; or institutions
35 of higher education.

1 The bill exempts information or data maintained by a public
2 health authority, as defined by HIPAA, from the Code chapter
3 provided the public health authority has received the consumer's
4 authorization, unless otherwise required by HIPAA.

5 The bill exempts information used only for public health
6 activities and purposes as authorized by HIPAA, provided that
7 the information is de-identified, aggregated, and processed in
8 batches of no less than 100 consumers from the Code chapter.

9 Under the bill, a consumer shall have the right to request to
10 be notified of, or to opt out of, profiling in furtherance of
11 a decision that produces legal or similarly significant effects
12 concerning a consumer. The bill defines "profiling" as any form
13 of automated processing performed on personal data to evaluate,
14 analyze, or predict specific factors related to the economic
15 status, health, personal preferences, interests, reliability,
16 behavior, location, or movements of an individual. Notification
17 to the consumer shall be in plain language and include the type
18 of data subject to profiling, any requirements for a person
19 receiving the consumer's data to delete or return the data,
20 and the process for a consumer to file a complaint. "Decision
21 that produces legal or similarly significant effects concerning a
22 consumer" is defined in the bill.

23 The bill applies retroactively to January 1, 2025.