

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 61
92ND GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 4, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0172S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to the use of social security numbers, with an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1355, to read as follows:

407.1355. 1. A person or entity, not including a state or local agency, shall not do any of the following:

(1) Publicly post or publicly display in any manner an individual's social security number. "Publicly post" or "publicly display" is defined in this section to intentionally communicate or otherwise make available to the general public;

(2) Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted;

(3) Require an individual to use his or her social security number to access an Internet web site, unless a password, unique personal identification number, or other authentication device is also required to access the Internet website;

(4) Print an individual's social security number on any materials that are mailed to the individual, unless state or federal law requires the social security number to be on the document to be mailed.

Notwithstanding the provisions of this subsection, social security numbers may be included in any transaction related to insurance or health care, or in applications, including documents sent as part of an application or enrollment process, or to establish, amend, or terminate an account, contract or policy, or to confirm the accuracy of the social security number.

2. Except as provided in subsection 3 of this section, the provisions of subsection 1 of this section apply only to the use of social security numbers on or after July 1, 2006.

3. Except as provided in subsection 6 of this section, a person or entity, not including a state or local agency, that has used, prior to July 1, 2006, an individual's social security number in a manner inconsistent with subsection 1 of this section, may continue using that individual's social security number in that manner on or after July 1, 2006, if any of the following conditions are met:

(1) The use of the social security number is continuous. If the use is stopped for any reason, subsection 1 of this section shall apply;

(2) The individual is provided an annual disclosure, beginning in 2006, that informs the individual that he or she has the right to stop the use of his or her social security number in a manner prohibited by subsection 1 of this section; or

(3) A written request by an individual to stop the use of his or her social security number in a manner prohibited by subsection 1 of this section shall be implemented within thirty days of the receipt of the request. There shall be no fee or charge for implementing the request.

A person or entity, not including a state or local agency, shall not deny services to an individual because the individual makes a written request pursuant to this subdivision.

4. This section does not prevent the collection, use, or release of a social security number as required by state or federal law or the use of a social security number for internal verification or administrative purposes.

5. This section does not apply to documents that are recorded or required to be open to the public pursuant to chapter 610, RSMo. This section does not apply to records that are required by statute, case law, or Missouri court rules, to be made available to the public.

6. If a federal law takes effect requiring the United States Department of Health and Human Services to establish a national unique patient health identifier program, any person or entity that complies with the federal law shall be deemed in compliance with this section.

Section B. Section A of this act shall become effective January 1, 2005.