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**HOUSE BILL 2329**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Cody, Hudgins, Smith, Tarleton, and Kloba

Prefiled 01/09/20. Read first time 01/13/20. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to health care-related internet web site  
2 analytics; and adding a new section to chapter 70.01 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.01  
5 RCW to read as follows:

6 (1) Any person or entity that operates a web site that collects,  
7 through internet web site analytics, health care information or any  
8 data from which conclusions or judgments can be made or inferred  
9 about an individual's health status or medical condition must obtain  
10 the written consent of the individual and implement reasonable  
11 administrative and technical safeguards to protect the privacy of the  
12 individual's health care information. A person or entity is  
13 responsible for ensuring that any contractor that performs internet  
14 web site analytics services on behalf of the person or entity  
15 complies with the requirements of this section.

16 (2) If a person or entity that operates a web site under  
17 subsection (1) of this section fails to comply or its contractor  
18 fails to comply with the requirements of this section, a person may  
19 maintain an action for relief against that person or entity in the  
20 same manner as relief may be sought against a health care provider or  
21 facility under RCW 70.02.170.

1 (3) For the purposes of this section:

2 (a) "Health care information" has the same meaning as in RCW  
3 70.02.010.

4 (b) "Individual" means a natural person who is a Washington  
5 resident.

6 (c) "Internet web site analytics" means analysis of individual  
7 web site behavior and usage, such as recording keystrokes, mouse  
8 movements, scrolling behavior, and contents of the web pages visited  
9 by the individual.

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