

**31A-21-504 Investigation -- Use of information used -- Disclosure.**

- (1) An insurer may not ask an insured or applicant or use any other means to determine whether the insured or applicant is the subject of domestic abuse.
- (2) If an insured or applicant voluntarily discloses to the insurer or to the insured's or applicant's treating physician that the insured or applicant or a member of the insured's or applicant's household is the subject of domestic abuse, an insurer may not use the information of domestic violence or child abuse in violation of this part.
- (3)
  - (a) An insurer may not disclose or transfer information to a third party relating to whether a specifically identifiable insured or applicant is the subject of domestic abuse unless the information:
    - (i) is required to be disclosed by the commissioner;
    - (ii) is required to be disclosed by a court of competent jurisdiction;
    - (iii) is necessary for the direct provision of health care services;
    - (iv) is permitted to be disclosed to an authorized agency under Chapter 31, Insurance Fraud Act;
    - (v) is required to be disclosed by abuse reporting laws; or
    - (vi) is authorized to be disclosed by the written consent of the individual who is the subject of domestic abuse, if that person is at least 18 years old.
  - (b) Subsection (3)(a) may not prevent an insured or applicant from obtaining the insured's or applicant's own medical or insurance records.
  - (c) Disclosure of information permitted under Subsection (3)(a) is subject to any state or federal law related to the confidentiality of medical information.
  - (d) For purposes of Subsection (3)(a), "third party" does not include an insurer's employees, agents, or contractors who are engaged in the insurer's necessary business operation.
- (4) This section may not be construed to prohibit an insurer from:
  - (a) asking an applicant or insured about a medical condition, even if the condition is related to domestic violence or child abuse;
  - (b) using information obtained under Subsection (4)(a) for the purpose of actions or practices permitted under this part.

Enacted by Chapter 132, 1997 General Session