SENATE BILL NO. 745

December 16, 2025, Introduced by Senators DAMOOSE, CAVANAGH and BAYER and referred to Committee on Finance, Insurance, and Consumer Protection.

A bill to amend 2004 PA 452, entitled

"Identity theft protection act,"

by amending section 3 (MCL 445.63), as amended by 2010 PA 318.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3. As used in this act:

(a) "Agency" means a department, board, commission, office, agency, authority, or other unit of state government of this state. ~~The term~~ **Agency** includes an institution of higher education of this state. ~~The term~~ **Agency** does not include a circuit, probate, district, or municipal court.

(b) "Breach of the security of a database" or "security breach" means the unauthorized access and acquisition of data that compromises the security or confidentiality of personal information maintained by a person or agency as part of a database of personal information regarding multiple individuals. ~~These terms do~~ **Breach of the security of a database or security breach does** not include unauthorized access to data by an employee or other individual if the access meets all of the following:

(*i*) The employee or other individual acted in good faith in accessing the data.

(*ii*) The access was related to the activities of the agency or person.

(*iii*) The employee or other individual did not misuse any personal information or disclose any personal information to an unauthorized person.

(c) "Child or spousal support" means support for a child or spouse, paid or provided ~~pursuant to~~ **in accordance with** state or federal law under a court order or judgment. Support includes, but is not limited to, any of the following:

(*i*) Expenses for day-to-day care.

(*ii*) Medical, dental, or other health care.

(*iii*) Child care expenses.

(*iv*) Educational expenses.

(*v*) Expenses in connection with pregnancy or confinement under the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(*vi*) Repayment of genetic testing expenses ~~,~~ under the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(*vii*) A surcharge as provided by section 3a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.603a.

(d) "Credit card" means that term as defined in section 157m of the Michigan penal code, 1931 PA 328, MCL 750.157m.

(e) "Data" means computerized personal information.

(f) "Depository institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union.

(g) "Encrypted" means transformation of data through the use of an algorithmic process into a form in which there is a low probability of assigning meaning without use of a confidential process or key, or securing information by another method that renders the data elements unreadable or unusable.

(h) "False pretenses" includes, but is not limited to, a false, misleading, or fraudulent representation, writing, communication, statement, or message, communicated by any means to another person, that the maker of the representation, writing, communication, statement, or message knows or should have known is false or fraudulent. The false pretense may be a representation regarding a past or existing fact or circumstance or a representation regarding the intention to perform a future event or to have a future event performed.

(i) "Financial institution" means ~~a~~ **any of the following:**

(*i*) A depository institution. ~~, an~~

(*ii*) An affiliate of a depository institution. ~~, a~~

(*iii*) A licensee under **any of** the **following:**

(A) The consumer financial services act, 1988 PA 161, MCL 487.2051 to 487.2072. ~~,~~

(B) 1984 PA 379, MCL 493.101 to 493.114. ~~, the~~

(C) The motor vehicle sales finance act, 1950 (Ex Sess) PA 27, MCL 492.101 to ~~492.141, the~~ **492.137a.**

(D) The secondary mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81. ~~, the~~

(E) The mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684. ~~, or the~~

(F) The regulatory loan act, 1939 PA 21, MCL 493.1 to 493.24. ~~, a~~

(*iv*) A seller under **either of** the **following:**

(A) The home improvement finance act, 1965 PA 332, MCL 445.1101 to 445.1431. ~~, or the~~

(B) The retail installment sales act, 1966 PA 224, MCL 445.851 to 445.873. ~~, or a~~

(*v*) A person subject to subtitle A of title V of the Gramm-Leach-Bliley act, 15 USC 6801 to 6809.

(j) "Financial transaction device" means that term as defined in section 157m of the Michigan penal code, 1931 PA 328, MCL 750.157m.

(k) "Identity theft" means engaging in an act or conduct prohibited in section 5(1).

(*l*) "Interactive computer service" means an information service or system that enables computer access by multiple users to a computer server, including, but not limited to, a service or system that provides access to the internet or to software services available on a server.

(m) "Law enforcement agency" means that term as defined in section 2804 of the public health code, 1978 PA 368, MCL 333.2804.

(n) "Local registrar" means that term as defined in section 2804 of the public health code, 1978 PA 368, MCL 333.2804.

(o) "Medical records or information" includes, but is not limited to, medical and mental health histories, reports,

summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and ~~x-rays~~ **X-rays** and other imaging records.

(p) "Person" means an individual, partnership, corporation, limited liability company, association, or other legal entity.

(q) "Personal identifying information" means a name, number, or other information that is used for the purpose of identifying a specific person or providing access to a person's financial accounts, including, but not limited to, a person's name, address, telephone number, driver license or state personal identification card number, ~~social security~~ **Social Security** number, place of employment, employee identification number, employer or taxpayer identification number, government passport number, health insurance identification number, mother's maiden name, demand deposit account number, savings account number, financial transaction device account number or the person's account password, any other account password in combination with sufficient information to identify and access the account, automated or electronic signature, biometrics, stock or other security certificate or account number, credit card number, vital record, or medical records or information.

(r) "Personal information" means the first name or first initial and last name linked to 1 or more of the following data elements of a resident of this state:

(*i*) Social ~~security~~ **Security** number.

(*ii*) Driver license number or state personal identification card number.

(*iii*) Demand deposit or other financial account number, or credit card or debit card number, in combination with any required security code, access code, or password that would permit access to

any of the resident's financial accounts.

(s) "Public utility" means that term as defined in section 1 of 1972 PA 299, MCL 460.111.

(t) "Redact" means to alter or truncate data so that no more than 4 sequential digits of a driver license number, state personal identification card number, or account number, or no more than 5 sequential digits of a ~~social security~~ **Social Security** number, are accessible as part of personal information.

(u) "State registrar" means that term as defined in section 2805 of the public health code, 1978 PA 368, MCL 333.2805.

(v) "Trade or commerce" means that term as defined in section 2 of the Michigan consumer protection act, ~~1971~~ **1976** PA 331, MCL 445.902.

(w) "Vital record" means that term as defined in section 2805 of the public health code, 1978 PA 368, MCL 333.2805.

(x) "Webpage" means a location that has a uniform resource locator, or URL, with respect to the world wide web or another location that can be accessed on the internet.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 739 of the 103rd Legislature is enacted into law.