S T A T E O F N E W Y O R K

10287

I N A S S E M B L Y

May 18, 2012

Introduced by M. of A. PEOPLES-STOKES, GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to reports of sexually transmitted diseases

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2306 of the public health law, as amended by chapter 41 of the laws of 2010, is amended to read as follows:

S 2306. Sexually transmissible diseases; reports and information, confidential. All reports or information secured by a board of health or health officer under the provisions of this article shall be confidential except in so far as is necessary to carry out the purposes of this article. Such report or information may be disclosed by court order in a criminal proceeding in which it is otherwise admissible or in a proceeding pursuant to article ten of the family court act in which it is otherwise admissible, to the prosecution and to the defense, or in a proceeding pursuant to article ten of the family court act in which it is otherwise admissible, to the petitioner, respondent and attorney for the child, provided that the subject of the report or information has waived the confidentiality provided for by this section. SUCH REPORT OR INFORMATION MAY BE USED AND DISCLOSED (A) WHEN USED IN THE AGGREGATE, WITHOUT PATIENT SPECIFIC IDENTIFYING INFORMATION, IN PROGRAMS APPROVED BY THE HEALTH OFFICER FOR THE IMPROVEMENT OF THE QUALITY OF MEDICAL CARE PROVIDED TO PERSONS WITH SEXUALLY TRANSMITTED DISEASES; OR (B) WITHIN THE STATE HEALTH DEPARTMENT OR A LOCAL HEALTH DEPARTMENT BY PUBLIC HEALTH DISEASE PROGRAMS TO ASSESS CO-MORBIDITY, TO ASSESS COMPLETENESS OF REPORTING, AND TO DIRECT PROGRAM NEEDS, IN WHICH CASE PATIENT SPECIFIC IDENTIFYING INFORMATION SHALL NOT BE DISCLOSED OUTSIDE THE STATE OR LOCAL HEALTH DEPARTMENT EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION. A person waives the confidentiality provided for by this section if such person voluntarily discloses or consents to disclosure of such report or information or a portion thereof. If such person lacks the capacity to consent to such a waiver, his or her parent, guardian or attorney may so consent. An order directing disclosure pursuant to this section shall

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15741-01-2

specify that no report or information shall be disclosed pursuant to such order which identifies or relates to any person other than the subject of the report or information.

S 2. This act shall take effect immediately.