STATE OF NEW YORK

10500

IN ASSEMBLY

May 22, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the confidentiality of contact tracing information

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 21 of the public health law is amended by adding a new title 8 to read as follows:

TITLE 8

NOVEL CORONAVIRUS, COVID-19

Section 2180. Definitions.

2181. COVID-19 contact tracers; reports and information, confidential.

§ 2180. Definitions. As used in this title the following terms shall have the following meanings:

1. "Contact tracing" means the identification, monitoring and support of individuals who have come in contact with an individual with a confirmed or probable diagnoses of novel coronavirus, COVID-19, and who have been exposed to, and possibly infected with COVID-19 as part of a case investigation.

2. "Contact tracers" means individuals enlisted by the state, county, city or an agent thereof to conduct contact tracing.

3. "Contact tracing information" means any information collected for the purposes of contact tracing and any further information collected during the contact tracing process.

§ 2181. COVID-19 contact tracers; reports and information, confidential. 1. All reports or information secured by a board of health, health officer under the provisions of this title, or contact tracer enlisted as a result of a state of emergency related to performing contact tracing for COVID-19 shall be confidential and culturally appropriate except in so far as is necessary to carry out the purposes of this article and shall not be accessible to law enforcement without a court order. Such report or contact tracing information may be disclosed:

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

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(a) by court order in a criminal proceeding in which it is otherwise admissible;

(b) 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 contact tracer information has waived the confidentiality provided for by this section except insofar as is necessary to carry out the purposes of this article;

(c) to a health care provider when an appropriate authorization for such disclosure has been secured to access health services or documentation for a precautionary order of quarantine or isolation to access sick leave; or

(d) to third-party reimbursers or their agents to the extent necessary to reimburse health care providers for health services; provided that, when necessary, an otherwise appropriate authorization for such disclosure has been secured by the provider.

2. A person waives the confidentiality provided for by this section if such person voluntarily discloses and consents in writing to disclosure of such report or contact tracer 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 specify that no report or contact tracer information shall be disclosed pursuant to such order which identifies or relates to any person other than the subject of the report or contact tracer information. Reports and contact tracer information may be used in the aggregate in programs approved by the commissioner for the improvement of the quality of medical care provided to persons with COVID-19; or with patient identifiers when used within the state, local health department by public health disease programs or contact tracer programs established by the state, a county or city as a result of a state of emergency related to COVID-19 to assess co-morbidity or completeness of reporting and to direct program needs, in which case patient identifiers shall not be disclosed outside the state, local health department, or contact tracer programs except as otherwise provided for in this section.

§ 2. This act shall take effect immediately.