

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:

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

3 TITLE 8

4 NOVEL CORONAVIRUS, COVID-19

5 Section 2180. Definitions.

6 2181. COVID-19 contact tracers; reports and information, confi-
7 dential.

8 § 2180. Definitions. As used in this title the following terms shall
9 have the following meanings:

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

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

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

20 § 2181. COVID-19 contact tracers; reports and information, confiden-
21 tial. 1. All reports or information secured by a board of health, health
22 officer under the provisions of this title, or contact tracer enlisted
23 as a result of a state of emergency related to performing contact trac-
24 ing for COVID-19 shall be confidential and culturally appropriate except
25 in so far as is necessary to carry out the purposes of this article and
26 shall not be accessible to law enforcement without a court order. Such
27 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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1 (a) by court order in a criminal proceeding in which it is otherwise
2 admissible;

3 (b) in a proceeding pursuant to article ten of the family court act
4 in which it is otherwise admissible, to the prosecution and to the
5 defense, or in a proceeding pursuant to article ten of the family court
6 act in which it is otherwise admissible, to the petitioner, respondent
7 and attorney for the child, provided that the subject of the report or
8 contact tracer information has waived the confidentiality provided for
9 by this section except insofar as is necessary to carry out the purposes
10 of this article;

11 (c) to a health care provider when an appropriate authorization for
12 such disclosure has been secured to access health services or documenta-
13 tion for a precautionary order of quarantine or isolation to access sick
14 leave; or

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

19 2. A person waives the confidentiality provided for by this section if
20 such person voluntarily discloses and consents in writing to disclosure
21 of such report or contact tracer information or a portion thereof. If
22 such person lacks the capacity to consent to such a waiver, his or her
23 parent, guardian or attorney may so consent. An order directing disclo-
24 sure pursuant to this section shall specify that no report or contact
25 tracer information shall be disclosed pursuant to such order which iden-
26 tifies or relates to any person other than the subject of the report or
27 contact tracer information. Reports and contact tracer information may
28 be used in the aggregate in programs approved by the commissioner for
29 the improvement of the quality of medical care provided to persons with
30 COVID-19; or with patient identifiers when used within the state, local
31 health department by public health disease programs or contact tracer
32 programs established by the state, a county or city as a result of a
33 state of emergency related to COVID-19 to assess co-morbidity or
34 completeness of reporting and to direct program needs, in which case
35 patient identifiers shall not be disclosed outside the state, local
36 health department, or contact tracer programs except as otherwise
37 provided for in this section.

38 § 2. This act shall take effect immediately.