

STATE OF NEW YORK

6491

2021-2022 Regular Sessions

IN SENATE

May 3, 2021

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to communicable disease contact tracing

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

1 Section 1. The title heading of title 8 of article 21 of the public
2 health law, as added by chapter 377 of the laws of 2020, is amended to
3 read as follows:

4 ~~[NOVEL CORONAVIRUS, COVID-19]~~ COMMUNICABLE DISEASES;
5 CONTACT TRACING

6 § 2. Section 2180 of the public health law, as amended by chapter 62
7 of the laws of 2021, is amended to read as follows:

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

10 1. "Contact tracing" means ~~[COVID-19]~~ communicable disease case inves-
11 tigation and identification of case individuals and contact individuals.

12 2. (a) "Contact tracer" and "contact tracing entity" means an individ-
13 ual or entity employed by or under contract with the state, a local
14 government, a state or local governmental entity, or an agent thereof,
15 to conduct contact tracing, engage in contact tracing, or receive
16 contact tracing information.

17 (b) A contact tracer or contact tracing entity shall not include a
18 service provider that is a non-governmental entity that is employed by
19 or under contract with a contact tracing entity or an agent thereof,
20 that receives, transmits, maintains, stores, or hosts contact tracing
21 information at the direction of a contact tracer or contact tracing
22 entity so long as such service provider's access to the information is
23 exclusively limited to the maintenance of the information and the
24 contact tracer or contact tracing entity has the ability to delete and
25 manage contact tracing information as provided by this chapter, law,

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

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1 rules or regulations. A service provider under this paragraph shall be
2 referred to in this title as a "designated non-governmental entity." A
3 service provider that does not meet the requirements of this paragraph
4 and would otherwise be subject to paragraph (a) of this subdivision
5 shall be a contact tracing entity.

6 3. "Contact tracing information" means any information that includes
7 or can reveal the identity of any case individual or contact individual,
8 and any [~~COVID-19-related~~] communicable disease-related information or
9 test results, received or collected for the purpose or in the course of
10 contact tracing.

11 4. "Contact individual" means an individual who has or may have come
12 in contact with a case individual or who has or may have been exposed to
13 and possibly infected with [~~COVID-19~~] a communicable disease.

14 5. "Case individual" means an individual with a confirmed or probable
15 diagnosis of [~~COVID-19~~] a communicable disease.

16 6. [~~"COVID-19" means infection with or the disease caused by the~~
17 ~~severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).~~

18 ~~7.~~] "Immigration authority" means any entity, officer, employee, or
19 government employee or agent thereof charged with or engaged in enforce-
20 ment of the federal Immigration and Nationality Act, including the
21 United States Immigration and Customs Enforcement, United States Depart-
22 ment of Homeland Security, or United States Customs and Border
23 Protection, or agent, contractor or employee thereof, or any successor
24 legislation or entity.

25 [~~8.~~] 7. "De-identified" means, in relation to contact tracing informa-
26 tion, that the information cannot identify or be made to identify or be
27 associated with a particular individual, directly or indirectly and is
28 subject to technical safeguards and policies and procedures that prevent
29 re-identification, whether intentionally or unintentionally, of any
30 individual.

31 [~~9.~~] 8. "Law enforcement agent or entity" means any governmental enti-
32 ty or public servant, or agent, contractor or employee thereof, author-
33 ized to investigate, prosecute, or make an arrest for a criminal or
34 civil offense (except a designated civil offense), or engaged in any
35 such activity, but shall not mean the department, the commissioner, a
36 health district, a county department of health, a county health commis-
37 sioner, a local board of health, a local health officer, the department
38 of health and mental hygiene of the city of New York, or the commis-
39 sioner of the department of health and mental hygiene of the city of New
40 York. As used in this subdivision, "designated civil offense" means a
41 civil offense or offenses designated by the commissioner (or the commis-
42 sioner of the New York city department of health and mental hygiene in
43 the case of contact tracing information collected by or under authority
44 of the New York city department of health and mental hygiene or the New
45 York city health and hospitals corporation).

46 [~~10.~~] 9. "Support" means resources or services provided to an individ-
47 ual to enable such individual to safely quarantine or isolate, including
48 grocery, meal or pharmacy delivery, laundry services, child or elder
49 care, pet walking, assistance with telephone, internet, or other commu-
50 nication services or devices, health and mental health services, legal
51 services, provision of appropriate living space for individuals who
52 cannot isolate or quarantine at home, and income replacement. "Support"
53 may also include support provided to other individuals for whom the
54 individual commonly provides those resources or services.

55 [~~11.~~] 10. "Permitted purpose" means:

1 (a) disclosure to appropriate health care providers or their personnel
2 for the purpose of the clinical diagnosis, care or treatment of the case
3 individual or contact individual who is the subject of the information,
4 where an emergency exists and the individual is in immediate need of
5 medical attention and an attempt to secure consent would result in delay
6 of treatment which would increase the risk to the individual's life or
7 health;

8 (b) facilitating a legally-authorized public health-related action,
9 where and only to the extent necessary to protect the public health in
10 relation to [~~COVID-19~~] a communicable disease; or

11 (c) use or disclosure of contact tracing information to pursue a legal
12 action in relation to a violation of this title; provided that disclo-
13 sure shall be subject to in camera review and approval by the court,
14 and, if the use is initiated by a party other than the case individual
15 or contact individual who is the subject of the contact tracing informa-
16 tion, the information must be highly material and relevant for the
17 purpose.

18 § 3. The section heading and subdivision 5 of section 2181 of the
19 public health law, as amended by chapter 62 of the laws of 2021, are
20 amended to read as follows:

21 § 2181. [~~COVID-19~~] Communicable disease contact tracing; confidential-
22 ity.

23 5. No law enforcement agent or entity or immigration authority shall
24 be a contact tracer or contact tracing entity or engage in contact trac-
25 ing. This subdivision does not bar an individual who is associated with
26 a law enforcement entity or immigration authority from acting only as a
27 case individual or contact individual. This subdivision does not prevent
28 a law enforcement agent or entity from assisting in a permitted use
29 under paragraph (b) of subdivision [~~eleven~~] ten of section twenty-one
30 hundred eighty of this title.

31 § 4. This act shall take effect immediately.