

HIGH RISK POPULATION PROTECTION AMENDMENTS

2020 FIFTH SPECIAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill enacts provisions related to testing and the collection and use of data relating to populations at high risk for COVID-19.

Highlighted Provisions:

This bill:

- ▶ allows the Department of Health and local health departments to share certain data regarding COVID-19 patients with state agencies for analysis;
- ▶ enacts provisions relating to COVID-19 testing of certain individuals at care facilities; and
- ▶ requires collection and publication of information relating to risk factors for COVID-19.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

26-6-27, as last amended by Laws of Utah 2012, Chapters 150 and 391

ENACTS:

26-6-32, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-6-27** is amended to read:

26-6-27. Information regarding communicable or reportable diseases confidentiality -- Exceptions.

(1) Information collected pursuant to this chapter in the possession of the department or local health departments relating to an individual who has or is suspected of having a disease

33 designated by the department as a communicable or reportable disease under this chapter shall
34 be held by the department and local health departments as strictly confidential. The department
35 and local health departments may not release or make public that information upon subpoena,
36 search warrant, discovery proceedings, or otherwise, except as provided by this section.

37 (2) The information described in Subsection (1) may be released by the department or
38 local health departments only in accordance with the requirements of this chapter and as
39 follows:

40 (a) specific medical or epidemiological information may be released with the written
41 consent of the individual identified in that information or, if that individual is deceased, his
42 next-of-kin;

43 (b) specific medical or epidemiological information may be released to medical
44 personnel or peace officers in a medical emergency, as determined by the department in
45 accordance with guidelines it has established, only to the extent necessary to protect the health
46 or life of the individual identified in the information, or of the attending medical personnel or
47 law enforcement or public safety officers;

48 (c) specific medical or epidemiological information may be released to authorized
49 personnel within the department, local health departments, public health authorities, official
50 health agencies in other states, the United States Public Health Service, the Centers for Disease
51 Control and Prevention (CDC), or when necessary to continue patient services or to undertake
52 public health efforts to interrupt the transmission of disease;

53 (d) if the individual identified in the information is under the age of 18, the information
54 may be released to the Division of Child and Family Services within the Department of Human
55 Services in accordance with Section 62A-4a-403. If that information is required in a court
56 proceeding involving child abuse or sexual abuse under Title 76, Chapter 5, Offenses Against
57 the Person, the information shall be disclosed in camera and sealed by the court upon
58 conclusion of the proceedings;

59 (e) specific medical or epidemiological information may be released to authorized
60 personnel in the department or in local health departments, and to the courts, to carry out the
61 provisions of this title, and rules adopted by the department in accordance with this title;

62 (f) specific medical or epidemiological information may be released to blood banks,
63 organ and tissue banks, and similar institutions for the purpose of identifying individuals with

64 communicable diseases. The department may, by rule, designate the diseases about which
65 information may be disclosed under this subsection, and may choose to release the name of an
66 infected individual to those organizations without disclosing the specific disease;

67 (g) specific medical or epidemiological information may be released in such a way that
68 no individual is identifiable;

69 (h) specific medical or epidemiological information may be released to a "health care
70 provider" as defined in Section 78B-3-403, health care personnel, and public health personnel
71 who have a legitimate need to have access to the information in order to assist the patient, or to
72 protect the health of others closely associated with the patient;

73 (i) specific medical or epidemiological information regarding a health care provider, as
74 defined in Section 78B-3-403, may be released to the department, the appropriate local health
75 department, and the Division of Occupational and Professional Licensing within the
76 Department of Commerce, if the identified health care provider is endangering the safety or life
77 of any individual by his continued practice of health care; ~~and~~

78 (j) specific medical or epidemiological information may be released in accordance with
79 Section 26-6-31 if an individual is not identifiable[-]; and

80 (k) specific medical or epidemiological information may be released to a state agency
81 as defined in Section 67-25-102, to perform the analysis described in Subsection 26-6-32(4) if
82 the state agency agrees to act in accordance with the requirements in this chapter.

83 (3) The provisions of Subsection (2)(h) do not create a duty to warn third parties, but is
84 intended only to aid health care providers in their treatment and containment of infectious
85 disease.

86 Section 2. Section **26-6-32** is enacted to read:

87 **26-6-32. Testing for COVID-19 for high-risk individuals at care facilities -**
88 **Collection and release of information regarding risk factors and comorbidities for**
89 **COVID-19.**

90 (1) As used in this section:

91 (a) "Care facility" means a facility described in Subsections 26-6-6(2) through (6).

92 (b) "COVID-19" means the same as that term is defined in Section 78B-4-517.

93 (2) (a) At the request of the department or a local health department, an individual who
94 meets the criteria established by the department under Subsection (2)(b) shall submit to testing

95 for COVID-19.

96 (b) The department:

97 (i) shall establish protocols to identify and test individuals who are present at a care
98 facility and are at high risk for contracting COVID-19;

99 (ii) may establish criteria to identify care facilities where individuals are at high risk for
100 COVID-19; and

101 (iii) may establish who is responsible for the costs of the testing.

102 (c) (i) The protocols described in Subsection (2)(b)(i) shall permit an individual who is
103 a resident of a care facility to decline testing in accordance with Subsection (2)(c)(ii).

104 (ii) Notwithstanding any other provision of state law, a care facility may discharge a
105 resident who declines testing under Subsection (2)(c)(i) if:

106 (A) the resident's refusal to submit to testing endangers the health or safety of other
107 individuals at the care facility; and

108 (B) discharging the resident does not violate federal law.

109 (3) The department may establish protocols to collect information regarding the
110 individual's age and relevant comorbidities from an individual who receives a positive test
111 result for COVID-19.

112 (4) (a) The department shall publish deidentified information regarding comorbidities
113 and other risk factors for COVID-19 in a manner that is accessible to the public.

114 (b) The department may work with a state agency as defined in Section 67-25-102, to
115 perform the analysis or publish the information described in Subsection (4)(a).

116 **Section 3. Effective date.**

117 If approved by two-thirds of all the members elected to each house, this bill takes effect
118 upon approval by the governor, or the day following the constitutional time limit of Utah
119 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
120 the date of veto override.