

**Effective 5/3/2023**

**26B-7-217 Information regarding communicable or reportable diseases confidentiality -- Exceptions.**

- (1)
  - (a) Information collected under Sections 26B-7-201 through 26B-7-223 in the possession of the department or local health departments relating to an individual who has or is suspected of having a disease designated by the department as a communicable or reportable disease under Sections 26B-7-201 through 26B-7-223 shall be held by the department and local health departments as strictly confidential.
  - (b) The department and local health departments may not release or make public that information upon subpoena, search warrant, discovery proceedings, or otherwise, except as provided by this section.
- (2) The information described in Subsection (1) may be released by the department or local health departments only in accordance with the requirements of Sections 26B-7-201 through 26B-7-223 and as follows:
  - (a) specific medical or epidemiological information may be released with the written consent of the individual identified in that information or, if that individual is deceased, the individual's next-of-kin;
  - (b) specific medical or epidemiological information may be released to medical personnel or peace officers in a medical emergency, as determined by the department in accordance with guidelines it has established, only to the extent necessary to protect the health or life of the individual identified in the information, or of the attending medical personnel or law enforcement or public safety officers;
  - (c) specific medical or epidemiological information may be released to authorized personnel within the department, local health departments, public health authorities, official health agencies in other states, the United States Public Health Service, the Centers for Disease Control and Prevention, or when necessary to continue patient services or to undertake public health efforts to interrupt the transmission of disease;
  - (d) if the individual identified in the information is under the 18 years old, the information may be released to the Division of Child and Family Services within the department in accordance with Section 80-2-602, and if that information is required in a court proceeding involving child abuse or sexual abuse under Title 76, Chapter 5, Offenses Against the Individual, the information shall be disclosed in camera and sealed by the court upon conclusion of the proceedings;
  - (e) specific medical or epidemiological information may be released to authorized personnel in the department or in local health departments, and to the courts, to carry out the provisions of this title, and rules adopted by the department in accordance with this title;
  - (f) specific medical or epidemiological information may be released to blood banks, organ and tissue banks, and similar institutions for the purpose of identifying individuals with communicable diseases. The department may, by rule, designate the diseases about which information may be disclosed under this subsection, and may choose to release the name of an infected individual to those organizations without disclosing the specific disease;
  - (g) specific medical or epidemiological information may be released in such a way that no individual is identifiable;
  - (h) specific medical or epidemiological information may be released to a health care provider as defined in Section 78B-3-403, health care personnel, and public health personnel who have a legitimate need to have access to the information in order to assist the patient, or to protect the health of others closely associated with the patient;

- (i) specific medical or epidemiological information regarding a health care provider, as defined in Section 78B-3-403, may be released to the department, the appropriate local health department, and the Division of Professional Licensing within the Department of Commerce, if the identified health care provider is endangering the safety or life of any individual by his continued practice of health care;
  - (j) specific medical or epidemiological information may be released in accordance with Section 26B-7-221 if an individual is not identifiable; and
  - (k) specific medical or epidemiological information may be released to a state agency as defined in Section 67-27-102, to perform the analysis described in Subsection 26B-7-222(4) if the state agency agrees to act in accordance with the requirements in this part.
- (3) The provisions of Subsection (2)(h) do not create a duty to warn third parties, but is intended only to aid health care providers in their treatment and containment of infectious disease.

Renumbered and Amended by Chapter 308, 2023 General Session