

26 **26-33a-109. Exceptions to prohibition on disclosure of identifiable health data.**

27 (1) The committee may not disclose any identifiable health data unless:

28 (a) the individual has authorized the disclosure; [or]

29 (b) the disclosure is to the department or a public health authority in accordance with

30 Subsection (2); or

31 ~~[(b)]~~ (c) the disclosure complies with the provisions of:

32 (i) ~~[this section]~~ Subsection (3);

33 (ii) insurance enrollment and coordination of benefits under Subsection

34 26-33a-106.1(1)(d); or

35 (iii) risk adjusting under Subsection 26-33a-106.1(1)(b).

36 (2) (a) The committee may ~~§→ [only]~~ ~~←§~~ disclose identifiable health data to the
36a department or a

37 public health authority under Subsection (1)(b) if:

38 (i) the department ~~§→ [of]~~ ~~or~~ ~~←§~~ the public health authority has clear statutory authority to
38a possess

39 the identifiable health data; and

40 (ii) the disclosure is solely for use in:

41 (A) the Utah Statewide Immunization Information System operated by the department;

42 or

43 (B) the Utah Cancer Registry operated by the University of Utah, in collaboration with

44 the department.

45 ~~[(2)]~~ (3) (a) The committee shall consider the following when responding to a request
46 for disclosure of information that may include identifiable health data:

47 ~~[(a)]~~ (i) whether the request comes from a person after that person has received
48 approval to do the specific research ~~§→ [and]~~ ~~or~~ ~~←§~~ statistical work from an institutional review
48a board; and

49 ~~[(b)]~~ (ii) whether the requesting entity complies with the provisions of Subsection ~~[(3)]~~

50 ~~(4).~~

51 ~~§→ [(b) Identifiable health data may not be disclosed if the identifiable health data is~~
52 ~~confidential under 42 C.F.R. Part 2, Confidentiality of Substance Use Disorder Patient~~

53 ~~Records.]~~ ~~←§~~

54 ~~[(3)]~~ (4) A request for disclosure of information that may include identifiable health
55 data shall:

56 (a) be for a specified period; or

57 (b) be solely for bona fide research ~~§~~→ [and] or ←~~§~~ statistical purposes as determined in
58 accordance with administrative rules adopted by the department in accordance with Title 63G,
59 Chapter 3, Utah Administrative Rulemaking Act, which shall require:

60 (i) the requesting entity to demonstrate to the department that the data is required for
61 the research ~~§~~→ [and] or ←~~§~~ statistical purposes proposed by the requesting entity; and

62 (ii) the requesting entity to enter into a written agreement satisfactory to the department
63 to protect the data in accordance with this chapter or other applicable law.

64 [~~(4)~~] (5) A person accessing identifiable health data pursuant to Subsection [~~(3)~~] (4)
65 may not further disclose the identifiable health data:

66 (a) without prior approval of the department; and

6710 (b) unless the identifiable health data is disclosed or identified by control number only.

67a ~~§~~→ **(6) Identifiable health data that has been designated by a data supplier as being subject to**
67b **regulation under 42 C.F.R. Part 2, Confidentiality of Substance Use Disorder Patient Records,**
67c **may only be used or disclosed in accordance with applicable federal regulations.** ←~~§~~