

1 SB1
2 207556-2
3 By Senators Orr, Albritton, Butler, Livingston, Waggoner, Ward
4 and Reed
5 RFD: Healthcare
6 First Read: 02-FEB-21
7 PFD: 07/09/2020

8 SYNOPSIS: This bill would authorize the State Health
9 Officer or any county health officer to employ or
10 engage contact tracers to trace those individuals
11 who may have come into contact with an individual
12 infected with COVID-19.

13 This bill would provide privacy protections
14 for infected individuals and others whose personal
15 information is collected through contact tracing.

16 This bill would require confidentiality of
17 personal information collected through contact
18 tracing.

19 This bill would provide that cooperation in
20 the contact tracing process is voluntary, and any
21 individual who refuses or fails to cooperate in
22 contact tracing is immune from liability arising
23 from that refusal.

24 This bill would require the State Board of
25 Health to adopt rules.

26 This bill would provide an expiration date
27 of the act.

1 Amendment 621 of the Constitution of Alabama
2 of 1901, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of
4 Alabama of 1901, as amended, prohibits a general
5 law whose purpose or effect would be to require a
6 new or increased expenditure of local funds from
7 becoming effective with regard to a local
8 governmental entity without enactment by a 2/3 vote
9 unless: it comes within one of a number of
10 specified exceptions; it is approved by the
11 affected entity; or the Legislature appropriates
12 funds, or provides a local source of revenue, to
13 the entity for the purpose.

14 The purpose or effect of this bill would be
15 to require a new or increased expenditure of local
16 funds within the meaning of the amendment. However,
17 the bill does not require approval of a local
18 governmental entity or enactment by a 2/3 vote to
19 become effective because it comes within one of the
20 specified exceptions contained in the amendment.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to contact tracing of the COVID-19 virus;
27 to authorize the State Health Officer or any county health

1 officer to employ or engage contact tracers to trace contacts
2 of individuals infected with COVID-19 during the pandemic; to
3 provide privacy protections for individuals whose personal
4 information is collected through contact tracing; to require
5 confidentiality of collected contact data; to provide that
6 cooperation in contact tracing is voluntary; to provide
7 immunity to individuals who refuse or fail to cooperate in
8 contact tracing; to require the State Board of Health to adopt
9 rules; to provide a limited duration of the act; and in
10 connection therewith would have as its purpose or effect the
11 requirement of a new or increased expenditure of local funds
12 within the meaning of Amendment 621 of the Constitution of
13 Alabama of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of Alabama of 1901,
15 as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) As used in this section, the
18 following terms have the following meanings:

19 (1) BOARD. State Board of Health.

20 (2) CONTACT. An individual known to have been in
21 association with an infected individual as to have had an
22 opportunity of acquiring an infection.

23 (3) CONTACT DATA. Information collected through
24 contact tracing and includes medical, epidemiological,
25 individual movement or mobility, names, or other data.

1 (4) CONTACT TRACER. An individual or entity
2 employed, contracted, or engaged by the board or by a county
3 health department to conduct contact tracing.

4 (5) CONTACT TRACING. Identifying individuals who may
5 have been exposed to an infected individual for the purpose of
6 containing the spread of COVID-19 by notifying the contact
7 that the contact may have been exposed, should be tested, and
8 should self-quarantine.

9 (6) COVID-19. The novel coronavirus identified as
10 SARS-CoV-2.

11 (7) INFECTED INDIVIDUAL. An individual known or
12 reasonably suspected to be infected with COVID-19.

13 (b) The purpose of this section is to protect the
14 privacy of individuals whose information is collected through
15 contact tracing and the confidentiality of contact data.

16 (c) Not later than six months after the effective
17 date of this section, the State Health Officer shall adopt
18 rules to implement and enforce this section.

19 (d) (1) Whenever the State Health Officer or a county
20 health officer determines contact tracing is necessary to
21 protect public health as provided in Title 22, Code of Alabama
22 1975, the State Health Officer or a county health officer may
23 conduct or authorize contact tracing by employing, contracting
24 for, or engaging contact tracers.

25 (2) Individuals acting as contact tracers shall meet
26 the qualifications and training prescribed by rules of the
27 board. Until the rules are adopted, individuals acting as

1 contact tracers may act under the supervision of the State
2 Health Officer and in compliance with this section.

3 (3) Except as provided by subdivision (1), the
4 state, a county, municipality, or other political subdivision,
5 or a public official or agent thereof, may not conduct or
6 authorize contact tracing.

7 (e) (1) Before collecting any contact data, each
8 individual acting as a contact tracer shall execute, under
9 oath, on a form prescribed by rule of the board, an
10 acknowledgment of familiarity with this section and the duties
11 it imposes upon the individual, including the duty of
12 confidentiality.

13 (2) The state, county, municipality, or other
14 political subdivision hiring, contracting with, or engaging
15 the contact tracer shall maintain a copy of each executed form
16 for not less than one year after the individual's duties as a
17 contact tracer end, or pursuant to applicable records
18 retention schedules as prescribed by rule, whichever is later.

19 (3) A contact tracer shall be deemed an employee of
20 the state for purposes of Section 36-1-12, Code of Alabama
21 1975.

22 (f) (1) A contact tracer may not disclose the
23 identity of an infected individual to a contact.

24 (2) Only contact data specifically authorized by
25 rule may be collected as part of contact tracing.

26 (3) The State Health Officer, a county health
27 officer, or a contact tracer may not produce contact data

1 pursuant to a subpoena unless the subpoena is issued by a
2 court and is accompanied by a valid protective order
3 preventing further disclosure of the contact data.

4 (4) Contact data shall be used only for the purpose
5 of contact tracing. Contact data are confidential and are not
6 subject to disclosure under Section 36-12-40, Code of Alabama
7 1975.

8 (5) All contact data shall be safely and securely
9 destroyed when no longer necessary for contact tracing.

10 (g) (1) Participation in contact tracing shall be
11 voluntary. A contact or infected individual shall not be
12 compelled to participate in, nor be prohibited from
13 participating in, contact tracing. No criminal, civil, or
14 administrative liability shall arise against a contact or
15 infected individual solely due to that individual's refusal or
16 failure to cooperate in contact tracing conducted pursuant to
17 this section.

18 (2) Any contact or infected individual who, in good
19 faith, discloses to a contact tracer information requested by
20 the contact tracer under authority of this section shall be
21 immune from civil, criminal, and administrative liability for
22 the disclosure.

23 (h) Contact tracing may be conducted through the use
24 of a service or application that uses electronic location
25 data, including, but not limited to, cellphone applications,
26 to collect location data to identify or track, directly or
27 indirectly, the movement of individuals; provided, however, no

1 individual shall be compelled or required to use or install
2 such an application on his or her cellphone.

3 (i) (1) No third party shall be required to collect
4 or maintain contact data regarding contacts or infected
5 individuals for the purpose of contact tracing.

6 (2) A contact tracer may not obtain from any third
7 party contact data regarding a contact or infected individual;
8 provided, however, contact data voluntarily collected or
9 maintained by a third party may be obtained by a contact
10 tracer if the third party provides the contact data
11 voluntarily and with the consent of the contact or infected
12 individual whose contact data are disclosed.

13 (j) (1) A person may bring a civil action to enjoin
14 violations of this section.

15 (2) A knowing violation of this section is a Class C
16 misdemeanor.

17 (3) Contact data shall be deemed identifying
18 information within the meaning of Section 13A-8-192, Code of
19 Alabama 1975.

20 (4) The remedies provided by this subsection shall
21 be in addition to any other available civil or criminal
22 remedies authorized by law.

23 (k) This section shall be repealed on May 1, 2022.

24 Section 2. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 3. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.