

SENATE BILL No. 178

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-19-18.

Synopsis: Contact tracing and system. Requires the state department of health (state department) to: (1) perform contact tracing; and (2) establish and maintain a contact tracing reporting system (system) in which specified covered businesses are required to transmit certain customer information to the system. Sets forth requirements for the software used for the system. Specifies that the information is confidential. Requires the state department to establish fees for covered business to cover the costs of maintaining the system. Requires covered businesses to report certain data. Establishes a Class B infraction for a covered business failing to report data or pay the assessed fees for the system.

Effective: July 1, 2021.

Randolph Lonnie M

January 7, 2021, read first time and referred to Committee on Health and Provider Services.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 178

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-64 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 64. "Communicable
3 disease", for purposes of **IC 16-19-18** and IC 16-41, has the meaning
4 prescribed by the state department under IC 16-41-2.

5 SECTION 2. IC 16-18-2-73.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2021]: **Sec. 73.5. "Contact tracing", for**
8 **purposes of IC 16-19-18, has the meaning set forth in**
9 **IC 16-19-18-1.**

10 SECTION 3. IC 16-18-2-73.6 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2021]: **Sec. 73.6. "Contact tracing reporting**
13 **system", for purposes of IC 16-19-18, has the meaning set forth in**
14 **IC 16-19-18-2.**

15 SECTION 4. IC 16-18-2-88.1 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2021]: **Sec. 88.1. "Covered business", for**



1 purposes of IC 16-19-18, has the meaning set forth in
2 IC 16-19-18-3.

3 SECTION 5. IC 16-19-18 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2021]:

6 **Chapter 18. Contact Tracing Program and Reporting System**

7 **Sec. 1.** As used in this chapter, "contact tracing" means a
8 process to identify, monitor, and provide information to
9 individuals who may have been exposed to a person with a
10 communicable disease.

11 **Sec. 2.** As used in this chapter, "contact tracing reporting
12 system" means a software program created for or adopted by the
13 state department to assist in collecting data from covered
14 businesses and performing contact tracing by deriving the
15 following from contact tracing:

- 16 (1) Processing or analyzing data.
- 17 (2) Recording or capturing data.
- 18 (3) Facilitating the compilation and organization of data.
- 19 (4) Processing the capability of reporting historical or current
20 data.

21 **Sec. 3.** As used in this chapter, "covered business" refers to the
22 following:

- 23 (1) A hospital licensed under IC 16-21.
- 24 (2) A state educational institution (as defined in
25 IC 21-7-13-32).
- 26 (3) A hotel.
- 27 (4) An airport, airport authority, or commercial airline.

28 **Sec. 4.** The state department shall perform contact tracing for
29 communicable diseases in order to prevent or limit the
30 transmission of the communicable disease to an uninfected
31 individual.

32 **Sec. 5. (a)** The state department shall establish and maintain a
33 contact tracing reporting system.

34 **(b)** The state department may contract with an entity to assist
35 in the establishment and maintenance of the contact tracing
36 reporting system.

37 **(c)** In selecting a software system to use for the contact tracing
38 reporting system, the state department may only consider software
39 that meets the following:

- 40 (1) Is designed to allow data to reside exclusively on
41 computers, servers, networks, devices, or other infrastructure
42 that is owned, operated, maintained, and overseen by or on



- 1 **behalf of the state.**
 2 **(2) Is hosted or produced by a person that is subject to the**
 3 **jurisdiction of the United States.**
 4 **(3) Is designed for the purpose of performing contact tracing.**
 5 **(4) Is capable of contact tracing for multiple communicable**
 6 **diseases.**
 7 **(5) Is an intelligent business process management system.**
 8 **(6) Uses a compliant business process management notation**
 9 **that uses a graphical representation for specifying business**
 10 **processes in a business process model.**
 11 **(7) Complies with the General Data Protection Regulation of**
 12 **the European Parliament and of the Council of 27.**
 13 **(8) Utilizes a low code or zero code compliant platform.**
 14 **(9) Is not owned or operated by a publicly traded business.**
 15 **Sec. 6. (a) Except as provided in subsection (b), all data or**
 16 **information collected, compiled, stored, processed, or analyzed is**
 17 **confidential under IC 16-41-8-1 and may only be released as**
 18 **specified under IC 16-41-8-1(b).**
 19 **(b) The state department may grant federal and state officials**
 20 **access as any law requires.**
 21 **Sec. 7. (a) The state department shall establish a procedure for**
 22 **a covered business to collect, transmit, and submit data to the**
 23 **state's contact tracing reporting system as required under this**
 24 **chapter.**
 25 **(b) The state department shall establish and collect fees from a**
 26 **covered business for the maintenance of the contact tracing**
 27 **reporting system.**
 28 **Sec. 8. (a) A covered business shall collect, transmit, and submit**
 29 **data to the contact tracing reporting system in the manner**
 30 **determined by the state department. Data that must be collected**
 31 **under this section includes the following:**
 32 **(1) Name of covered business.**
 33 **(2) Name of each customer.**
 34 **(3) Date of customer's visit.**
 35 **(4) Time of customer's visit.**
 36 **(5) Contact information for the customer, including either a**
 37 **phone number or electronic mail address.**
 38 **(b) A covered business shall pay the fees described in section**
 39 **7(b) of this chapter and assessed to the covered business by the**
 40 **state department.**
 41 **(c) A covered business that violates this section commits a Class**
 42 **B infraction.**



1 **Sec. 9. The state department may adopt rules under IC 4-22-2**
2 **necessary to implement this chapter.**

