

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-SECOND SESSION**

**S.F. No. 1589**

(SENATE AUTHORS: BENSON, Koran, Mathews, Johnson and Ruud)

DATE	D-PG	OFFICIAL STATUS
03/01/2021	612	Introduction and first reading Referred to Health and Human Services Finance and Policy
04/06/2021	1183a	Comm report: To pass as amended and re-refer to Civil Law and Data Practices Policy Joint rule 2.03, referred to Rules and Administration
04/07/2021	1312	Authors added Johnson; Ruud
05/10/2021	4181	Comm report: Adopt previous comm report Jt rule 2.03 suspended
05/13/2021	4203	Comm report: To pass
05/14/2021	4204	Second reading Special Order: Amended Third reading Passed

1.1 A bill for an act

1.2 relating to health; establishing limits for contact tracing, digital contact tracing,

1.3 immunizations, communicable disease testing, and the required disclosure of

1.4 certain information; proposing coding for new law in Minnesota Statutes, chapters  
144; 145.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. [144.4187] CONTACT TRACING.

1.9 Subdivision 1. **Definitions.** (a) The terms defined in this subdivision apply to this section.

1.10 (b) "Communicable disease" has the meaning given in section 144.419, subdivision 1.

1.11 (c) "Contact tracing" means a process to identify persons who may be at risk of

1.12 contracting a communicable disease through contact with a contagious person in a manner

1.13 that is consistent with a known or suspected mode of transmission.

1.14 (d) "Contagious person" means a person infected with an infectious agent of a

1.15 communicable disease, having a communicable disease, or harboring a specific infectious

1.16 agent and serving as a potential source of infection for a communicable disease.

1.17 (e) "Digital contact tracing" means contact tracing that uses location data, proximity

1.18 data, or both transmitted from a wireless communications device to estimate the proximity

1.19 of a person to a contagious person, the duration of a person's exposure to a contagious

1.20 person, or both.

1.21 (f) "Infectious agent" means an organism that is capable of causing a communicable

1.22 disease in humans.

2.1 (g) "Local health department" has the meaning given in section 145A.02, subdivision  
2.2 8b.

2.3 (h) "Local unit of government" means a statutory or home rule charter city, county,  
2.4 community health board, or town.

2.5 (i) "Location data" means data that indicates the actual physical location of a wireless  
2.6 communications device at a specific point in time and that is generated by, derived from,  
2.7 or obtained by the operation of a wireless communications device. Location data includes  
2.8 but is not limited to global positioning system locations.

2.9 (j) "Proximity data" means data that identifies the proximity of one person to another at  
2.10 a specific point in time and that is generated by, derived from, or obtained by the operation  
2.11 of a wireless communications device.

2.12 (k) "State agency" means a department, agency, board, commission, constitutional office,  
2.13 or other group in the executive branch of state government.

2.14 (l) "Wireless communications device" means (1) a cellular phone, or (2) a portable  
2.15 electronic device that is capable of receiving and transmitting data, including but not limited  
2.16 to text messages and e-mail, without an access line for service.

2.17 (m) "Wireless telecommunications service provider" has the meaning given in section  
2.18 237.82, subdivision 4.

2.19 Subd. 2. **Mandatory participation in contact tracing prohibited.** Except as otherwise  
2.20 provided by law, the commissioner of health or a local health department must not require  
2.21 a contagious person to participate in contact tracing.

2.22 Subd. 3. **Digital contact tracing.** (a) A person may participate in digital contact tracing  
2.23 only if the person voluntarily consents to do so.

2.24 (b) No state agency or local unit of government shall require a person to:

2.25 (1) install or activate a digital contact tracing application on a wireless communications  
2.26 device used by the person;

2.27 (2) provide the person's location data or proximity data to determine whether the person  
2.28 may be at risk of contracting a communicable disease from contact with a contagious person;  
2.29 or

2.30 (3) otherwise participate in digital contact tracing.

3.1 (c) No state agency or local unit of government shall collect location data, proximity  
 3.2 data, or other individually identifiable data of a wireless communications device user for  
 3.3 use in contact tracing from:

3.4 (1) a wireless telecommunications service provider;

3.5 (2) a digital contact tracing application installed on a wireless communications device;

3.6 or

3.7 (3) an entity that administers a digital contact tracing application installed on a wireless  
 3.8 communications device.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.10 **Sec. 2. [145.676] MANDATORY IMMUNIZATION; STATEMENT SUBMISSION;**  
 3.11 **TESTING; DISCLOSURE OF HEALTH STATUS PROHIBITED.**

3.12 Subdivision 1. **Definitions.** (a) The terms defined in this subdivision apply to this section.

3.13 (b) "Communicable disease" has the meaning given in section 144.419, subdivision 1.

3.14 (c) "Government building" means a building or portion of a building that is owned,  
 3.15 leased, controlled, or operated by the state of Minnesota or a local unit of government and  
 3.16 used to conduct public business.

3.17 (d) "Local unit of government" means a statutory or home rule charter city, county,  
 3.18 community health board, or town.

3.19 (e) "State agency" means a department, agency, board, commission, constitutional office,  
 3.20 or other group in the executive branch of state government.

3.21 **Subd. 2. **Mandatory immunization, submission of immunization statement or test****  
 3.22 **results, and testing prohibited.** Except as otherwise provided by law, no state agency or  
 3.23 local unit of government shall require any of the following unless the person voluntarily  
 3.24 consents:

3.25 (1) require a person to be immunized against a communicable disease;

3.26 (2) require a person to submit, as a condition of being admitted to a government building,  
 3.27 transacting government business, or otherwise participating in a government function:

3.28 (i) a statement from a health care provider that provides immunizations that the person  
 3.29 received an immunization against a communicable disease in a manner consistent with  
 3.30 medically accepted standards; or

4.1 (ii) a statement from a health care provider that tests persons for a communicable disease  
4.2 that the person received a negative test result for a communicable disease; or

4.3 (3) require a person to be tested for a communicable disease.

4.4 Subd. 3. **Mandatory disclosure of health status prohibited.** No person must be required  
4.5 to possess, wear, or display a symbol, card, or any other indicator that the person received  
4.6 a positive or negative test result for a communicable disease or possesses the antibodies for  
4.7 a communicable disease.

4.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.