

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

1 SB1

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to contact tracing of the COVID-19 virus;
12 to authorize the State Health Officer or any county health
13 officer to employ or engage contact tracers to trace contacts
14 of individuals infected with COVID-19 during the pandemic; to
15 allow certain colleges and authorities to conduct or authorize
16 contact tracing; to provide privacy protections for
17 individuals whose personal information is collected through
18 contact tracing; to require confidentiality of collected
19 contact data; to provide that cooperation in contact tracing
20 is voluntary; to provide immunity to individuals who refuse or
21 fail to cooperate in contact tracing; to require the State
22 Board of Health to adopt rules; to provide a limited duration
23 of the act; and in connection therewith would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds within the meaning of Amendment 621
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 (1) BOARD. State Board of Health.

7 (2) CONTACT. An individual known to have been in
8 association with an infected individual as to have had an
9 opportunity of acquiring an infection.

10 (3) CONTACT DATA. Information collected through
11 contact tracing and includes medical, epidemiological,
12 individual movement or mobility, names, or other data.

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

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

21 (6) COVID-19. The novel coronavirus identified as
22 SARS-CoV-2.

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

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

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

4 (d) (1) Whenever the State Health Officer or a county
5 health officer determines contact tracing is necessary to
6 protect public health as provided in Title 22, Code of Alabama
7 1975, the State Health Officer or a county health officer may
8 conduct or authorize contact tracing by employing, contracting
9 for, or engaging contact tracers.

10 (2) Individuals acting as contact tracers shall meet
11 the qualifications and training prescribed by rules of the
12 board. Until the rules are adopted, individuals acting as
13 contact tracers may act under the supervision of the State
14 Health Officer and in compliance with this section.

15 (3) Except as provided by subdivision (1), the
16 state, a county, municipality, or other political subdivision,
17 or a public official or agent thereof, may not conduct or
18 authorize contact tracing; provided however, an institution of
19 higher education or any authority established under Chapter
20 17A of Title 16, Code of Alabama 1975, may conduct or
21 authorize contact tracing without the prior authorization of
22 the State Health Officer or any county health officer.

23 (e) (1) Before collecting any contact data, each
24 individual acting as a contact tracer shall execute, under
25 oath, on a form prescribed by rule of the board, an
26 acknowledgment of familiarity with this section and the duties

1 it imposes upon the individual, including the duty of
2 confidentiality.

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

9 (3) A contact tracer shall be deemed an employee of
10 the state for purposes of Section 36-1-12, Code of Alabama
11 1975.

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

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

16 (3) The State Health Officer, a county health
17 officer, or a contact tracer may not produce contact data
18 pursuant to a subpoena unless the subpoena is issued by a
19 court and is accompanied by a valid protective order
20 preventing further disclosure of the contact data.

21 (4) Contact data shall be used only for the purpose
22 of contact tracing. Contact data are confidential and are not
23 subject to disclosure under Section 36-12-40, Code of Alabama
24 1975.

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

1 (g) (1) Participation in contact tracing shall be
2 voluntary. A contact or infected individual shall not be
3 compelled to participate in, nor be prohibited from
4 participating in, contact tracing. No criminal, civil, or
5 administrative liability shall arise against a contact or
6 infected individual solely due to that individual's refusal or
7 failure to cooperate in contact tracing conducted pursuant to
8 this section.

9 (2) Any contact or infected individual who, in good
10 faith, discloses to a contact tracer information requested by
11 the contact tracer under authority of this section shall be
12 immune from civil, criminal, and administrative liability for
13 the disclosure.

14 (h) Contact tracing may be conducted through the use
15 of a service or application that uses electronic location
16 data, including, but not limited to, cellphone applications,
17 to collect location data to identify or track, directly or
18 indirectly, the movement of individuals; provided, however, no
19 individual shall be compelled or required to use or install
20 such an application on his or her cellphone.

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

24 (2) A contact tracer may not obtain from any third
25 party contact data regarding a contact or infected individual;
26 provided, however, contact data voluntarily collected or
27 maintained by a third party may be obtained by a contact

1 tracer if the third party provides the contact data
2 voluntarily and with the consent of the contact or infected
3 individual whose contact data are disclosed.

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

6 (2) A knowing violation of this section is a Class C
7 misdemeanor.

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

11 (4) The remedies provided by this subsection shall
12 be in addition to any other available civil or criminal
13 remedies authorized by law.

14 (k) Nothing in this section shall prohibit an
15 institution of higher education or any authority established
16 under Chapter 17A of Title 16, Code of Alabama 1975, from
17 requiring the use of electronic symptom monitoring or exposure
18 notification applications that are compliant with the federal
19 Health Insurance Portability and Accountability Act.

20 (l) This section shall be repealed on May 1, 2022.

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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

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Senate

Read for the first time and referred to the Senate
committee on Healthcare..... 02-FEB-21

Read for the second time and placed on the calen-
dar..... 10-FEB-21

Read for the third time and passed as amended 23-FEB-21

Yeas 31
Nays 0

Patrick Harris,
Secretary.