

**NOTE:** For the benefit of those who may use this model legislation, we have retained all the references to Minnesota statutes. This will allow legislators in others states to look into the links and either adopt this language from those statutes into a new law along with this model legislation, or locate in their own state statutes similar language

A bill for an act

relating to public health; creating a COVID-19 testing and contact tracing bill of rights. Establishing grants to small employers to assist in establishing COVID-19 testing for their employees; appropriating money.

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

Section 1. **COVID-19 TESTING AND CONTACT TRACING BILL OF RIGHTS; GRANTS TO EMPLOYERS.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of health.

(c) "Contact tracing" means identifying individuals who may be at risk of contracting COVID-19 through contact, in a manner consistent with known or suspected modes of COVID-19 transmission, with an individual who has tested positive for COVID-19.

(d) "COVID-19 testing" means a diagnostic test used to detect the virus that causes COVID-19 in order to make a diagnosis of COVID-19.

(e) "Tested positive for COVID-19" means an individual who has received a positive diagnostic test for COVID-19 and is currently contagious.

Subd. 2. **Testing and contact tracing bill of rights.** (a) Notwithstanding any law to the contrary, the following requirements on behalf of individuals, patients, and residents must be met by any program established by the commissioner of health that involves COVID-19 testing or contact tracing:

(1) no testing on an individual shall be performed without the consent of the individual being tested;

(2) if an individual tests positive for COVID-19, the individual must be informed that the individual is not required to cooperate with contact tracing, and may refuse to provide requested contact information;

(3) if the commissioner of health or the commissioner's contracted vendor is conducting contact tracing, the commissioner or vendor must provide the individual with a Tennessee warning in accordance with Minnesota Statutes, section 13.04, subdivision 2; and

(4) results of any testing performed on an individual by a provider as defined under Minnesota Statutes, section 144.291, shall be considered a health record under Minnesota Statutes, section 144.292, and shall not be disclosed or released without consent from the individual in accordance with Minnesota Statutes, section 144.293, subdivision 2.

(b) Any contact tracing data collected by the commissioner of health or the commissioner's contracted vendor pursuant to a program that identifies an individual are

classified as private data on individuals as defined in Minnesota Statutes, section 13.02, subdivision 12. Notwithstanding Minnesota Statutes, section 13.3805, paragraph (b), clause (3), the commissioner shall establish procedures and safeguards to ensure that any data collected under a program including an individual's address of residence is not released by the commissioner or its contracted vendor in a form that identifies a specific individual unless the individual has provided consent for its release.

(c) Notwithstanding Minnesota Statutes, sections 144.419 to 144.4196, if an asymptomatic individual refuses to be tested for COVID-19 as part of a COVID-19 screening process, the commissioner of health shall not have the authority to pursue an ex parte order under Minnesota Statutes, section 144.4195, authorizing the isolation or quarantine of the individual.