

1.1 Senator moves to amend S.F. No. 4500 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"Section 1. CASE INVESTIGATION, CONTACT TRACING, AND FOLLOW-UP**
1.4 **SERVICES PROGRAM FOR PERSONS WITH COVID-19.**

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

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

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

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

1.12 (e) "Employee" means an individual who is employed by an employer.

1.13 (f) "Employer" means any person having one or more employees in Minnesota and
1.14 includes the state and political or other governmental subdivisions of the state.

1.15 (g) "High-risk site" means any of the following:

1.16 (1) health care facilities;

1.17 (2) long-term care facilities;

1.18 (3) assisted living facilities;

1.19 (4) congregate living settings;

1.20 (5) food processing facilities;

1.21 (6) critical infrastructure sites;

1.22 (7) preschools, elementary, or secondary schools; or

1.23 (8) correctional facilities.

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

1.26 Subd. 2. **Program established.** If the commissioner establishes a program that provides
1.27 diagnostic testing for COVID-19 to individuals to determine if the individual is currently
1.28 contagious or conducts contact tracing the commissioner must comply with the requirements

2.1 in this section. The commissioner must also give priority for COVID-19 testing to high risk
2.2 sites.

2.3 Subd. 3. Testing and contact tracing bill of rights. (a) Notwithstanding any law to the
2.4 contrary, the following requirements on behalf of individuals, employees, patients, and
2.5 residents must be met by any program established by the commissioner that involves
2.6 COVID-19 testing or contact tracing:

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

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

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

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

2.19 (5) results of any testing performed on an employee by an employer or at the request of
2.20 an employer shall not be disclosed or released without the written consent of the employee;
2.21 and

2.22 (6) results of any testing performed on an employee by an entity other than the employer
2.23 shall not be disclosed or released to the employee's employer without the employee's written
2.24 consent.

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

3.1 (c) Notwithstanding Minnesota Statutes, sections 144.419 to 144.4196, if an individual
3.2 refuses to be tested for COVID-19, the commissioner shall not have the authority to pursue
3.3 an ex parte order under Minnesota Statutes, section 144.4195, authorizing the isolation or
3.4 quarantine of the individual.

3.5 Subd. 4. **Employer options.** (a) For purposes of testing employees, residents, or patients,
3.6 an employer may use any testing facility available, and may use their own employees to
3.7 provide the initial interview with an employee, resident, or patient who tests positive for
3.8 COVID-19, so long as the employee performing the interview is qualified to conduct the
3.9 interview for purposes of contact tracing, and written consent is provided to the employer
3.10 by the employee, resident, or patient.

3.11 (b) No employer shall terminate or retaliate against an employee who refuses to consent
3.12 to COVID-19 testing or refuses to participate in contact tracing if the employee has tested
3.13 positive for COVID-19.

3.14 Subd. 5. **Health care workers who are furloughed or on unpaid leave.** (a)
3.15 Notwithstanding any law or rule to the contrary, no health care employer shall prohibit an
3.16 employee from being hired to perform case investigation, contact tracing, or follow-up
3.17 services by the commissioner or the commissioner's contracted vendor while the employee
3.18 is furloughed or on unpaid leave of absence, provided the employee is hired for a period of
3.19 one week or longer and the work performed does not violate the terms of the employee's
3.20 collective bargaining agreement. An employee who has been hired to perform case
3.21 investigation, contact tracing, or follow-up services under the program must notify their
3.22 employer from which the employee has been furloughed or placed on unpaid leave of
3.23 absence that the employee has been hired for the program, and must be available to return
3.24 to work with that employer upon one week's notice from the employer.

3.25 (b) No employer shall terminate or retaliate against an employee because the employee
3.26 has been hired to perform case investigation, contact tracing, or follow-up services under
3.27 the program.

3.28 Subd. 6. **Grants to employers.** The commissioner shall award grants to employers to
3.29 assist the employer in establishing testing of employees. The commissioner shall develop
3.30 a grant application and process to award grants under this subdivision. The commissioner
3.31 shall determine based on the amount appropriated and the number of grant applications the
3.32 amount of each grant. Priority shall be given to employers that involve high-risk sites.

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

4.1 Sec. 2. APPROPRIATION.

4.2 \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the
4.3 coronavirus relief fund to the commissioner of health to distribute as grants to employers
4.4 for purposes of section 1, subdivision 6."

4.5 Amend the title accordingly