

S.F. No. 1589 – Contact Tracing; Immunizations; Testing and Digital Contact Tracing Limits

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S.F. 1589 establishes requirements on the destruction of certain data and provides limits on requiring contact tracing, mandatory immunizations, and digital contact tracing.

Section 1 (144.4187) establishes limits on contact tracing.

Subdivision 1 defines the following terms: communicable disease; contact tracing; contagious person; digital contact tracing; infectious agent; local health department; local unit of government; location data; proximity data; state agency; wireless communications device; wireless telecommunications service provider.

Subd. 2 states that the commissioner of health or a local health department must not require a contagious person to participate in contact tracing.

Subd. 3, paragraph (a) states that the commissioner of health or a local health department must destroy all data reported under Minnesota Rules 4605.709 (disease report information) and held by the commissioner of local health department no later than 90 days after the commissioner of local department received the data.

Paragraph (b) specifies that if the commissioner or local health department is using the data for a disease investigation or contact tracing on the date the data is required to be destroyed under paragraph (a), the data must be destroyed no later than 30 days after the investigation or tracing is completed.

Subd. 4, paragraph (a) specifies that participation in digital contact tracing is voluntary.

Paragraph (b) states that no state agency or local unit of government shall require a person to (1) install or activate a digital contact tracing application on a wireless communications device used by the person; (2) provide the person's location data or proximity data to determine whether the person may be at risk of contracting a

communicable disease form contact with a contagious person; or (3) participate in digital contact tracing.

Paragraph (c) states that no state agency or local unit of government shall collect location data, proximity data, or other individually identifiable data of a wireless communication device user for use in contact tracing from a wireless telecommunication service provider; a digital contact tracing application installed on a wireless communication device; or an entity that administers a digital contact tracing application installed on a wireless communication device.

Section 2 (145.676) prohibits mandatory immunizations or requiring a person to provide a statement that the person has received an immunization or a test or a statement indicating a negative test result.

Subd. 1 defines the following terms: communicable disease; government building; local unit of government; and state agency.

Subd. 2 states that no state agency or local unit of government shall require any of the following unless the person voluntarily consents:

1. Require a person to be immunized;
2. Require a person to submit as a condition of entering a government building, transacting government business, or otherwise participating in a government function: (i) a statement from a provider that a person received an immunization against a communicable disease; or (ii) a statement from a provider that the person received a negative test result for a communicable disease; or
3. Require a person to be tested for a communicable disease.

Subd. 3 specifies that no person shall be required to possess, wear, or display a symbol, card, or any other indicator that the person received a positive or negative test result for a communicable disease or possesses antibodies for a communicable disease.

Section 3 (181.975) establishes digital contact tracing limits for employers.

Subd. 1 defines the following terms: communicable disease; contact tracing; digital contact tracing; employee; employer; infectious agent; location data; proximity data; wireless communications device.

Subd. 2 states that no employer or employment agency shall:

1. Require an employee to install or activate a digital contact tracing application on the employee's personal wireless communications device;
2. Require an employee to provide location data or proximity data to determine whether the employee may be at risk of contracting a communicable disease form contact with a contagious person;
3. Affect the terms or conditions of employment or terminate the employment of any person on the bases of the employee's refusal to install a digital contact tracing application or to provide location data or proximity data;

4. Install a digital contact tracing application on a wireless communication device provided to employees; or
5. Use location data or proximity data obtained in any manner to determine whether an employee may be at risk of contracting a communicable disease from a contagious person.

Subd. 3, paragraph (a) states that nothing in this section shall limit an employer's ability to develop and maintain lawful workplace policies governing an employee's use of the employer's wireless communications devices, equipment, vehicles, social networking and application use, or location tracking for the purposes other than determining whether the employee has been in contact with or was in close proximity of a contagious person.

Paragraph (b) states that nothing in this section shall limit an employer's ability to develop and maintain workplace policies to prevent an employee who is a contagious person from exposing the employer, other employees, customers, or others to a communicable disease.

Subd. 4 states that any person aggrieved by a violation of this section may bring a civil action in court and may be awarded up to three times the actual damages suffered due to the violation; punitive damages; reasonable costs and attorney fees; and injunctive or other equitable relief as deemed appropriate.