

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 4500

(SENATE AUTHORS: BENSON and Koran)

DATE	D-PG	OFFICIAL STATUS
04/20/2020	5799	Introduction and first reading Referred to Health and Human Services Finance and Policy
05/15/2020	7050a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy Joint rule 2.03, referred to Rules and Administration
05/16/2020	7053	Author stricken Klein Author added Koran Comm report: Amend previous comm report Jt. rule 2.03 suspended; re-refer to Rules and Administration

- 1.1 A bill for an act
- 1.2 relating to public health; creating a COVID-19 testing and contact tracing bill of
- 1.3 rights; establishing grants to small employers to assist in establishing COVID-19
- 1.4 testing for their employees; appropriating money.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. **COVID-19 TESTING AND CONTACT TRACING BILL OF RIGHTS;**
- 1.7 **GRANTS TO EMPLOYERS.**
- 1.8 **Subdivision 1. Definitions.** (a) The definitions in this subdivision apply to this section.
- 1.9 (b) "Commissioner" means the commissioner of health.
- 1.10 (c) "Contact tracing" means identifying individuals who may be at risk of contracting
- 1.11 COVID-19 through contact, in a manner consistent with known or suspected modes of
- 1.12 COVID-19 transmission, with an individual who has tested positive for COVID-19.
- 1.13 (d) "COVID-19 testing" means a diagnostic test used to detect the virus that causes
- 1.14 COVID-19 in order to make a diagnosis of COVID-19.
- 1.15 (e) "Tested positive for COVID-19" means an individual who has received a positive
- 1.16 diagnostic test for COVID-19 and is currently contagious.
- 1.17 **Subd. 2. Testing and contact tracing bill of rights.** (a) Notwithstanding any law to the
- 1.18 contrary, the following requirements on behalf of individuals, patients, and residents must
- 1.19 be met by any program established by the commissioner of health that involves COVID-19
- 1.20 testing or contact tracing:
- 1.21 (1) no testing on an individual shall be performed without the consent of the individual
- 1.22 being tested;

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

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

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

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

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

2.24 Subd. 3. **Grants to employers.** (a) The commissioner shall award grants to employers
2.25 to assist the employer in establishing COVID-19 testing of employees. The commissioner
2.26 shall develop a grant application and process to award grants under this subdivision. The
2.27 commissioner shall determine based on the amount appropriated and the number of grant
2.28 applications the amount of each grant as determined by the commissioner. Priority shall be
2.29 given to employers that involve high-risk sites.

2.30 (b) To be eligible for a grant under this subdivision, the employer must be located in
2.31 Minnesota and must employ in Minnesota no more than 100 employees on a full-time or
2.32 part-time basis

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

3.1 Sec. 2. **APPROPRIATION.**

3.2 \$5,000,000 in fiscal year 2020 and \$5,000,000 in fiscal year 2021 are appropriated from
3.3 the coronavirus relief fund to the commissioner of health to distribute as grants to employers
3.4 for purposes of section 1, subdivision 3.