

[First Reprint]

## **ASSEMBLY, No. 4170**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

INTRODUCED MAY 28, 2020

**Sponsored by:**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

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**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttle, Assemblyman Scharfenberger,**

**Assemblywomen Chaparro, Lopez, Assemblyman Danielsen and**

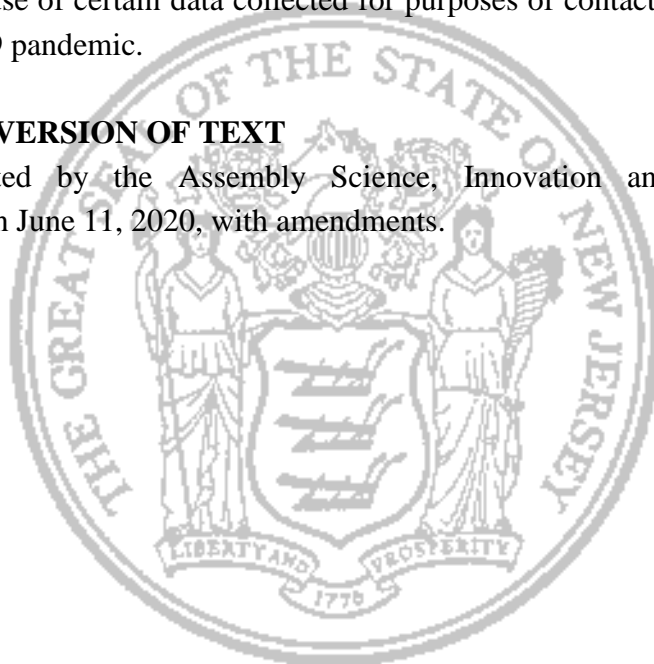
**Assemblywoman Timberlake**

### **SYNOPSIS**

Restricts use of certain data collected for purposes of contact tracing related to COVID-19 pandemic.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Science, Innovation and Technology Committee on June 11, 2020, with amendments.



**(Sponsorship Updated As Of: 7/27/2020)**

1 AN ACT concerning data privacy related to certain health  
2 information <sup>1</sup>and supplementing Title 26 of the Revised  
3 Statutes<sup>1</sup>.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. To the extent that any public health entity collects data  
9 regarding an individual for the purposes of contact tracing related to  
10 the coronavirus disease 2019 (COVID-19) pandemic, including  
11 digital data from Bluetooth devices or global positioning systems,  
12 such health and location data shall only be used by the public health  
13 entity for the purposes of completing contact tracing, and the public  
14 health entity shall ensure the data is deleted from the entity's  
15 records no later than 30 days after the date the data is received by  
16 the entity. If a public health entity shares data collected for the  
17 purposes of contact tracing related to the COVID-19 pandemic with  
18 a third party entity, the public health entity shall publish the name  
19 of the third party entity on its Internet website or on the Internet  
20 website of the Department of Health, and shall require that the third  
21 party entity only use the data for the purposes of completing contact  
22 tracing related to the COVID-19 pandemic and that the third party  
23 entity delete the data by the date on which the public health entity is  
24 required to delete the data. To this end, the Commissioner of  
25 Health shall require that systems using health and location data for  
26 contact tracing purposes automatically delete the data no later than  
27 30 days after the data is entered into the system.

28 b. A third party entity that misuses or unlawfully discloses  
29 COVID-19 contact tracing data shared with it by a public health  
30 entity, or that retains the data beyond the date on which the data is  
31 required to be deleted, shall be liable to a civil penalty of up to  
32 \$10,000, which shall be collected by and in the name of the  
33 Commissioner of Health in a summary proceeding before a court of  
34 competent jurisdiction pursuant to the "Penalty Enforcement Law of  
35 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

36 c. As used in this section:

37 "Contact tracing" means the process of identifying individuals  
38 who were in contact with a person who has tested positive for  
39 COVID-19 or who was likely exposed to COVID-19, as well as  
40 providing support services to the individual. Contact tracing may  
41 include: verbal interviews with individuals and those they may  
42 have had contact with, as well as any other individual who may  
43 have knowledge of potential exposure situations; to the extent  
44 authorized by applicable State and federal laws, accessing an  
45 individual's digital data from a Bluetooth or global positioning

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AST committee amendments adopted June 11, 2020.

1 system to identify potential exposures; and any other means utilized  
2 by a public health entity to track potential exposures to, and the  
3 potential spread of, COVID-19 among individuals and population  
4 groups within the State.

5 “Public health entity” means the Department of Health, any  
6 county or local board of health, and any other entity conducting  
7 contact tracing in response to the COVID-19 pandemic.

8  
9 2. No later than 30 days after the effective date of this act, the  
10 Commissioner of Health shall publish on its Internet website  
11 proposed guidance on how public health entities and third party  
12 entities may use data collected for contact tracing related to the  
13 COVID-19 pandemic, and how those entities will be required to  
14 ensure the security and confidentiality of that data, including any  
15 specific internal audit requirements those entities will be required to  
16 implement to guard against misuse or unauthorized disclosure of the  
17 data. The commissioner shall create a mechanism for members of  
18 the public to submit comments on the proposed guidance, allow for  
19 a public comment period of at least 30 days, and, no later than 30  
20 days after the public comment period closes, publish final guidance  
21 on the use of data collected for the purposes of contact tracing  
22 related to the COVID-19 pandemic, which final guidance may  
23 incorporate appropriate revisions based on public comments  
24 received. Nothing in this section shall be construed to prohibit or  
25 delay the implementation of section 1 of this act immediately upon  
26 the effective date of this act.

27  
28 3. This act shall take effect immediately <sup>1</sup>and shall expire one  
29 year after the end of both the state of emergency and the public health  
30 emergency declared in response to the coronavirus disease 2019  
31 pandemic<sup>1</sup>.