

Approved by  
Revisor of Statutes

Cindy K. Maxwell

1.1 Liebling from the Health and Human Services Finance Division to which was referred:

1.2 H. F. No. 167, A bill for an act relating to environment; providing for offers of  
1.3 supplemental environmental projects in conjunction with certain enforcement actions against  
1.4 polluters; amending Minnesota Statutes 2018, section 16A.151, subdivision 2; proposing  
1.5 coding for new law in Minnesota Statutes, chapter 116.

1.6 Reported the same back with the following amendments:

1.7 Page 1, after line 6, insert:

1.8 "Section 1. Minnesota Statutes 2018, section 13.3805, subdivision 1, is amended to read:

1.9 Subdivision 1. **Health data generally.** (a) **Definitions.** As used in this subdivision:

1.10 (1) "Commissioner" means the commissioner of health.

1.11 (2) "Health data" are data on individuals created, collected, received, or maintained by  
1.12 the Department of Health, political subdivisions, or statewide systems relating to the  
1.13 identification, description, prevention, and control of disease or as part of an epidemiologic  
1.14 investigation the commissioner designates as necessary to analyze, describe, or protect the  
1.15 public health.

1.16 (b) **Data on individuals.** (1) Health data are private data on individuals. Notwithstanding  
1.17 section 13.05, subdivision 9, health data may not be disclosed except as provided in this  
1.18 subdivision and section 13.04.

1.19 (2) The commissioner or a community health board as defined in section 145A.02,  
1.20 subdivision 5, may disclose health data to the data subject's physician as necessary to locate  
1.21 or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to  
1.22 identify persons at risk of illness, or to conduct an epidemiologic investigation.

1.23 (3) With the approval of the commissioner, health data may be disclosed to the extent  
1.24 necessary to assist the commissioner to locate or identify a case, carrier, or suspect case, to  
1.25 alert persons who may be threatened by illness as evidenced by epidemiologic data, to

2.1 control or prevent the spread of serious disease, or to diminish an imminent threat to the  
2.2 public health.

2.3 (4) Health information collected, created, or maintained as part of a public health  
2.4 supplemental environmental project under section 116.0735 may be disclosed as provided  
2.5 in section 116.0735, subdivision 5.

2.6 (c) **Health summary data.** Summary data derived from data collected under section  
2.7 145.413 may be provided under section 13.05, subdivision 7.

2.8 Sec. 2. Minnesota Statutes 2018, section 13.7411, is amended by adding a subdivision to  
2.9 read:

2.10 Subd. 10. Supplemental environmental project data. Health information collected,  
2.11 created, or maintained as part of a public health supplemental environmental project is  
2.12 governed by section 116.0735, subdivision 5."

2.13 Page 2, after line 14, insert:

2.14 "(d) "Health information" means any information, whether oral or recorded in any form  
2.15 or medium, collected, created, or maintained as part of a public health supplemental  
2.16 environmental project, that relates to the past, present, or future health or condition of a  
2.17 person."

2.18 Page 2, line 15, delete "(d)" and insert "(e)"

2.19 Page 2, line 19, delete "(e)" and insert "(f)"

2.20 Page 2, line 27, delete "(f)" and insert "(g)"

2.21 Page 3, line 1, delete "(g)" and insert "(h)"

2.22 Page 4, line 3, after the period, insert "The estimated cost of these reviews, and any  
2.23 additional costs to the agency or Department of Health to administer this section, must be  
2.24 paid from the money contributed by the regulated facility that is a party to the settlement  
2.25 agreement to conduct the public health supplemental environmental project."

2.26 Page 4, after line 12, insert:

2.27 "Subd. 5. Privacy of health information. (a) A regulated facility may not release or  
2.28 disclose health information except:

2.29 (1) as specified in a written informed consent form signed and dated by the individual  
2.30 subject of the health information or that person's legally authorized representative;

2.31 (2) to the commissioner or the commissioner of health; or

3.1 (3) pursuant to a specific authorization in law.

3.2 (b) A regulated facility must establish appropriate security safeguards for protecting the  
3.3 privacy of health information, including procedures for ensuring that health information is  
3.4 only accessible to persons whose work assignment reasonably requires access to the  
3.5 information and is only being accessed by those persons for purposes described in the  
3.6 procedure.

3.7 (c) Upon request by an individual subject of health information maintained by the  
3.8 regulated facility or that person's legally authorized representative, a regulated facility must  
3.9 supply a complete and current copy of all health information relating to that person. The  
3.10 facility may not charge a fee for the information.

3.11 (d) If a third party conducts or manages a public health supplemental environmental  
3.12 project under this section:

3.13 (1) the third party must comply with this subdivision as if it were a regulated facility;  
3.14 and

3.15 (2) a regulated facility, the commissioner, and the commissioner of health may disclose  
3.16 health information to the third party as necessary to administer the project.

3.17 (e) The commissioner and the commissioner of health may not approve a public health  
3.18 supplemental environmental project under subdivision 3, paragraph (b), unless the regulated  
3.19 facility and, if applicable, a third party engaged to conduct or manage the public health  
3.20 supplemental environmental project certify in writing that the regulated facility and third  
3.21 party will comply with this subdivision.

3.22 (f) Health information collected, created, or maintained by the commissioner of health  
3.23 is health data as defined in section 13.3805, subdivision 1. The commissioner of health may  
3.24 disclose health information to a regulated facility or the commissioner as necessary to  
3.25 administer a public health supplemental environmental project under this section.

3.26 (g) Health information collected, created, or maintained by the commissioner is private  
3.27 data on individuals as defined in section 13.02, subdivision 12. The commissioner may  
3.28 disclose health information to a regulated facility or the commissioner of health as necessary  
3.29 to administer a public health supplemental environmental project under this section.

3.30 (h) The Department of Health may establish a review process to ensure that privacy is  
3.31 maintained with respect to any data collected or developed under a public health supplemental  
3.32 environmental project."

3.33 Page 4, line 13, delete "5" and insert "6"

4.1 Renumber the sections in sequence

4.2 Correct the title numbers accordingly

4.3 With the recommendation that when so amended the bill be returned to the Committee

4.4 on Ways and Means.

4.5 This Division action taken March 14, 2019

4.6  \_\_\_\_\_, Chair