

S 3749

Public Health Emergency Privacy Act

Congress: 116 (2019–2021, Ended)

Chamber: Senate

Policy Area: Health

Introduced: May 14, 2020

Current Status: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Latest Action: Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (May 14, 2020)

Official Text: <https://www.congress.gov/bill/116th-congress/senate-bill/3749>

Sponsor

Name: Sen. Blumenthal, Richard [D-CT]

Party: Democratic • **State:** CT • **Chamber:** Senate

Cosponsors (12 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Warner, Mark R. [D-VA]	D · VA		May 14, 2020
Sen. Bennet, Michael F. [D-CO]	D · CO		May 18, 2020
Sen. Baldwin, Tammy [D-WI]	D · WI		May 21, 2020
Sen. Durbin, Richard J. [D-IL]	D · IL		May 21, 2020
Sen. Harris, Kamala D. [D-CA]	D · CA		May 21, 2020
Sen. Hirono, Mazie K. [D-HI]	D · HI		May 21, 2020
Sen. Klobuchar, Amy [D-MN]	D · MN		May 21, 2020
Sen. Markey, Edward J. [D-MA]	D · MA		May 21, 2020
Sen. Warren, Elizabeth [D-MA]	D · MA		May 21, 2020
Sen. Booker, Cory A. [D-NJ]	D · NJ		Jun 1, 2020
Sen. King, Angus S., Jr. [I-ME]	I · ME		Jun 1, 2020
Sen. Menendez, Robert [D-NJ]	D · NJ		Jun 1, 2020

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	May 14, 2020

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
116 HR 6866	Identical bill	May 14, 2020: Referred to the House Committee on Energy and Commerce.

Public Health Emergency Privacy Act

This bill imposes requirements on covered organizations concerning the privacy, confidentiality, and security of COVID-19 (i.e., coronavirus disease 2019) emergency health data, which is data that is linked to an individual or device, such as test results. Covered organizations include those that collect, use, or disclose such data electronically or that develop or operate websites or applications for contact tracing and other COVID-19 response activities.

Among other actions, covered organizations must provide notice of privacy and other policies, as well as ensure the accuracy of, prevent discrimination based on, and limit disclosure of the data. Covered organizations that collect data from at least 100,000 individuals must publicly report additional information about how they use and disclose the data. The bill also prohibits the use of emergency health data for commercial advertising or in ways that restrict access to opportunities, services, and other accommodations.

In addition, government entities and covered organizations shall not use emergency health data to infringe on the right to vote. The Department of Health and Human Services must report on the civil rights impact of the collection, use, and disclosure of health data.

The bill provides for enforcement by the Federal Trade Commission, states, and a private right of action and specifies that pre-dispute resolution mechanisms, such as arbitration, are unenforceable with respect to disputes arising under the bill.

Actions Timeline

- **May 14, 2020:** Introduced in Senate
- **May 14, 2020:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions.