

S 81

Public Health Emergency Privacy Act

Congress: 117 (2021–2023, Ended)

Chamber: Senate

Policy Area: Health

Introduced: Jan 28, 2021

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. (Jan 28, 2021)

Official Text: <https://www.congress.gov/bill/117th-congress/senate-bill/81>

Sponsor

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

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

Cosponsors (11 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Baldwin, Tammy [D-WI]	D · WI		Jan 28, 2021
Sen. Bennet, Michael F. [D-CO]	D · CO		Jan 28, 2021
Sen. Booker, Cory A. [D-NJ]	D · NJ		Jan 28, 2021
Sen. Durbin, Richard J. [D-IL]	D · IL		Jan 28, 2021
Sen. Hirono, Mazie K. [D-HI]	D · HI		Jan 28, 2021
Sen. King, Angus S., Jr. [I-ME]	I · ME		Jan 28, 2021
Sen. Klobuchar, Amy [D-MN]	D · MN		Jan 28, 2021
Sen. Markey, Edward J. [D-MA]	D · MA		Jan 28, 2021
Sen. Menendez, Robert [D-NJ]	D · NJ		Jan 28, 2021
Sen. Warner, Mark R. [D-VA]	D · VA		Jan 28, 2021
Sen. Warren, Elizabeth [D-MA]	D · MA		Jan 28, 2021

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jan 28, 2021

Subjects & Policy Tags

Policy Area:

Health

Related Bills

Bill	Relationship	Last Action
117 HR 651	Identical bill	Feb 2, 2021: Referred to the Subcommittee on Consumer Protection and Commerce.

Public Health Emergency Privacy Act

This bill imposes privacy, confidentiality, and security requirements on the use and disclosure of COVID-19 (i.e., coronavirus disease 2019) emergency health data. This is data that is linked to an individual or device, such as test results.

The requirements apply to organizations that collect, use, or disclose emergency health data electronically or that manage websites or applications for contact tracing and other COVID-19 response activities.

These organizations must provide notice of privacy and other policies. They must also ensure the accuracy of, prevent discrimination based on, and limit disclosure of the data. If an organization collects data from at least 100,000 individuals, it must publicly report additional information about how it uses and discloses the data.

Furthermore, the bill prohibits the use of emergency health data for commercial advertising or in ways that restrict access to opportunities, services, and other accommodations.

It also prohibits government entities and organizations from using this 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. It further specifies that certain dispute resolution mechanisms, such as arbitration, are unenforceable with respect to disputes arising under the bill.

Actions Timeline

- **Jan 28, 2021:** Introduced in Senate
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