

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2751 and 2575**

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2020

The Assembly Health Committee reports favorably and with committee amendments Senate Bill No. 2751/2575 (SCS).

Under current law, any correspondence, record, report and medical information made, maintained, received, or filed pursuant to the Emergency Health Powers Act is not considered a public or government record, and therefore not accessible under an open public records request. Under this bill, as amended and reported, any correspondence, records, and reports made, maintained, received or filed pursuant to the Emergency Health Powers Act will be subject to disclosure under the law commonly known as the open public records act.

The bill also specifies that personal identifying information will not be considered a public or government record. Under the bill, “personal identifying information” means information that may be used, alone or in conjunction with any other information contained within the same record, to identify a specific individual and includes, but is not limited to, the name, address, email address, social media address, telephone number, fax number, date of birth, social security number, driver's license number, official State issued identification number, employer or taxpayer number, place of employment, telephone number of employment, employee identification number, school address, school phone number, student identification number, mother's maiden name, unique biometric data, such as fingerprint, voice print, retina or iris image or other unique physical representation, unique electronic identification number, medical diagnoses, treatments or other medical information concerning an identifiable person.

The amended bill also provides that records custodians of a Local Information Network and Communications (LINCS) agency may grant or deny access to those portions of any correspondence, record, or report that relate to bioterrorism only according to specific instructions or directives issued by the Department of Health or another appropriate State agency. A LINCS agency is the lead public health agency in each county or identified city. The agency is responsible for central planning, coordination and delivery of specialized services

within the designated county or city, in partnership with the other local health agencies in that jurisdiction, in order to prepare for and respond to acts of bioterrorism and other forms of terrorism, or other public health emergencies or threats.

As amended and reported by this committee, Senate Bill No. 2751/2575 (SCS) is identical to Assembly Bill No. 4813, which was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments clarify that the records custodians of a LINCS agency may grant or deny access to portions of any correspondence, record, or report that relate to bioterrorism only according to specific instructions or directives issued by the Department of Health or another appropriate State agency.