

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 93

BY REPRESENTATIVE CREWS

GOVERNOR: Directs the governor to ensure that individual liberty and rights are protected as the state administers contact tracing

1 A CONCURRENT RESOLUTION

2 To direct the governor to ensure that the individual liberty and rights of the citizens of  
3 Louisiana are protected as the state administers the public health function known as  
4 contact tracing.

5 WHEREAS, the Louisiana Health Emergency Powers Act, R.S. 29:760 et seq.,  
6 bestows upon the governor of Louisiana extraordinary powers during a public health  
7 emergency that he declares; and

8 WHEREAS, the governor has exercised his emergency powers in extreme measure  
9 during the COVID-19 public health emergency; and

10 WHEREAS, the governor has declared that the state will administer a public health  
11 function known as contact tracing as businesses and public places reopen after their period  
12 of forced closure; and

13 WHEREAS, according to the United States Centers for Disease Control and  
14 Prevention (CDC), contact tracing involves public health workers communicating with a  
15 patient diagnosed with an infectious disease to help that person recall everyone with whom  
16 they had close contact during the time in which they may have been infectious; and

17 WHEREAS, the CDC indicates further that after this communication occurs, the  
18 public health staff performing contact tracing then contact the individuals identified by the  
19 patient and warn them of their potential exposure to the infectious disease; and

20 WHEREAS, in considering information that the governor's administration has issued  
21 regarding the state's rapidly developed contact tracing program, many Louisiana citizens

1 have serious concerns about how contact tracing will impact their liberty, right to privacy,  
2 and other basic rights.

3 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
4 direct the governor to ensure that the liberty and individual rights of the citizens of this state  
5 are protected as the state administers the public health function known as contact tracing.

6 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby direct  
7 the governor to require that the personnel who conduct contact tracing disclose to all persons  
8 whom they contact that participation in contact tracing is entirely voluntary before  
9 requesting any information from those persons.

10 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby direct  
11 the governor not to authorize or otherwise impose any penalty for refusal by a person to  
12 participate in contact tracing.

13 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby direct  
14 the governor to strictly prohibit all of the following:

15 (1) Tracking of any person's movements through mobile phone geolocation or any  
16 other means, electronic or otherwise, in contact tracing.

17 (2) Any data mining that would facilitate the tracking of a person's movements.

18 (3) The collection of personal identifying information through contact tracing.

19 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby direct  
20 the governor to give absolute assurance to the people of this state that contact tracing will  
21 not entail the compulsory separation of family members or the prohibition of willing  
22 association among individuals.

23 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby direct  
24 the governor not to authorize or otherwise impose any mandate that any individual be tested  
25 for the novel coronavirus or antibodies to the virus.

26 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
27 governor and to the secretary of the Louisiana Department of Health.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HCR 93 Engrossed

2020 Regular Session

Crews

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Directs the governor not to authorize or otherwise impose any penalty for refusal by a person to participate in contact tracing.

Directs the governor to strictly prohibit all of the following:

- (1) Tracking of any person's movements through mobile phone geolocation or any other means, electronic or otherwise, in contact tracing.
- (2) Any data mining that would facilitate the tracking of a person's movements.
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Directs the governor to give absolute assurance that contact tracing will not entail the compulsory separation of family members or the prohibition of willing association among individuals.

Directs the governor not to authorize or otherwise impose any mandate that any individual be tested for the novel coronavirus or antibodies to the virus.