

2020 Second Extraordinary Session

HOUSE BILL NO. 81

BY REPRESENTATIVE GAROFALO

STUDENTS: Prohibits a school from sharing a student's personally identifiable information relative to illness or disease with the Dept. of Health for purposes of the Sanitary Code or any other purpose without parental consent (Item #42)

1 AN ACT

2 To enact R.S. 17:3914(M), relative to student information; to prohibit a school employee
3 from sharing a student's personally identifiable information relative to illness or
4 disease with the Department of Health for any purpose without parental consent; to
5 authorize the sharing of aggregate data relative to certain diseases and conditions;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:3914(M) is hereby enacted to read as follows:

9 §3914. Student information; privacy; legislative intent; definitions; prohibitions;
10 parental access; penalties

11 * * *

12 M. An official or employee of a city, parish, or other local public school
13 system:

14 (1) Shall not provide a student's personally identifiable information to the
15 Department of Health or to any employee or official thereof for purposes of the
16 Sanitary Code relative to reportable diseases and conditions or for any other purpose
17 unless the sharing of the student's information has been authorized in writing by the
18 parent or legal guardian of the student or by a student who has reached the age of
19 legal majority.

1 (2) May provide to the Department of Health aggregate data pertaining to
 2 cases of diseases or conditions in the student population that are classified as
 3 reportable pursuant to the Sanitary Code.

4 Section 2. This Act shall become effective upon signature by the governor or, if not
 5 signed by the governor, upon expiration of the time for bills to become law without signature
 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 8 effective on the day following such approval.

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)]

HB 81 Original

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Garofalo

Abstract: Prohibits a school from sharing a student's personally identifiable information relative to illness or disease with the La. Dept. of Health for any purpose without parental consent.

Present law requires the state health officer, acting through the office of public health of the La. Dept. of Health (LDH), to enforce the rules of the state's Sanitary Code. Present administrative rule as contained in such code requires schools to report to the state health officer relative to cases of certain reportable diseases and conditions.

Present law prohibits any employee of a public school system from providing a student's personally identifiable information to any person or public or private entity. Provides exceptions to this prohibition and authorizes sharing aggregate data under certain circumstances. Defines "personally identifiable information" and "aggregate data" as follows:

- (1) "Personally identifiable information" means information about an individual that can be used on its own or with other information to identify, contact, or locate a single individual, including but not limited to the following:
 - (a) Any information that can be used to distinguish or trace an individual's identity such as full name, social security number, date and place of birth, mother's maiden name, or biometric records.
 - (b) Any other information that is linked or linkable to an individual such as medical, educational, financial, and employment information.
 - (c) Two or more pieces of information that separately or when linked together can be used to reasonably ascertain the identity of the person.
- (2) "Aggregate data" means statistics and other information that relate to broad classes, groups, or categories from which it is not possible to distinguish the identities of individuals.

Proposed law retains present law and also:

- (1) Explicitly prohibits a school employee from providing a student's personally identifiable information to LDH for the purposes of the Sanitary Code with respect to reportable diseases and conditions or for any other purpose unless authorized in writing by the student's parent or legal guardian.
- (2) Authorizes providing to LDH aggregate data pertaining to cases of diseases or conditions in the student population classified as reportable pursuant to the Sanitary Code.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3914(M))