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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1380 Session of  
2021

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INTRODUCED BY PISCIOTTANO, MIHALEK, ROTHMAN, N. NELSON, BOBACK,  
SANCHEZ, ROWE, WEBSTER AND A. DAVIS, MAY 10, 2021

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REFERRED TO COMMITTEE ON HEALTH, MAY 10, 2021

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AN ACT

1 Providing for COVID-19 vaccine personal information privacy; and  
2 imposing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the COVID-19  
7 Vaccine Personal Information Privacy Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "COVID-19." The novel coronavirus as identified in the  
13 proclamation of disaster emergency issued by the Governor on  
14 March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020).

15 "COVID-19 vaccine." An injectable medication, biological or  
16 immunization authorized or approved by the United States Food  
17 and Drug Administration for COVID-19.

18 "COVID-19 vaccine provider." A person or entity authorized

1 to distribute or administer a COVID-19 vaccine.

2 "Health care provider." As follows:

3 (1) A person, corporation, facility, institution or  
4 other entity licensed, certified or approved by the  
5 Commonwealth to provide health care or professional medical  
6 services.

7 (2) The term includes a physician, podiatrist,  
8 optometrist, psychologist, psychiatrist, physical therapist,  
9 certified nurse practitioner, nurse midwife, physician  
10 assistant, chiropractor, dentist, pharmacist or an individual  
11 accredited or certified to provide behavioral health  
12 services.

13 "Health care service." A treatment, admission, procedure,  
14 medical supply and equipment or other service, including  
15 behavioral health, prescribed or otherwise provided or proposed  
16 to be provided by a health care provider.

17 "Personal information." Information that identifies, relates  
18 to, describes, is capable of being associated with or could  
19 reasonably be linked, directly or indirectly, with a particular  
20 individual or household, including any of the following:

21 (1) An identifier such as a real name, alias, postal  
22 address, telephone number, unique personal identifier, online  
23 identifier, including an Internet website protocol address,  
24 email address, account name, Social Security number, driver's  
25 license number, passport number or other similar identifier.

26 (2) Commercial information, including a product or  
27 service purchased, obtained or considered or other purchasing  
28 or consuming history or tendency.

29 (3) Biometric information.

30 (4) Geolocation data.

1 Section 3. COVID-19 vaccine personal information privacy.

2 (a) General rule.--Except as provided in subsection (b), a  
3 COVID-19 vaccine provider shall delete the personal information  
4 of an individual who registered to receive a COVID-19 vaccine  
5 from the COVID-19 vaccine provider but did not receive the  
6 COVID-19 vaccine within six months of the registration. In such  
7 a circumstance, the deletion of the personal information shall  
8 occur:

9 (1) Within 30 days after the conclusion of the six-month  
10 period following the registration, if the conclusion of the  
11 the six-month period occurs after the effective date of this  
12 subsection.

13 (2) Within 30 days after the effective date of this  
14 subsection, if the effective date of this subsection occurs  
15 after the conclusion of the six-month period following the  
16 registration.

17 (b) Exception.--In compliance with Federal and State law, a  
18 COVID-19 vaccine provider may retain the personal information of  
19 an individual if the COVID-19 vaccine provider distributed or  
20 administered a COVID-19 vaccine to the individual or provided  
21 another health care service to the individual within six months  
22 of the individual registering to receive a COVID-19 vaccine from  
23 the COVID-19 vaccine provider.

24 Section 4. Applicability.

25 This act shall not apply to medical records that a COVID-19  
26 vaccine provider is required to retain under Federal or State  
27 law.

28 Section 5. Violation of Unfair Trade Practices and Consumer  
29 Protection Law.

30 A violation of section 3 constitutes unfair methods of

1 competition and unfair or deceptive acts or practices within the  
2 meaning of section 2(4) of the act of December 17, 1968  
3 (P.L.1224, No.387), known as the Unfair Trade Practices and  
4 Consumer Protection Law, and shall be subject to the enforcement  
5 provisions, civil penalties and private rights of action  
6 specified in that act.

7 Section 6. Effective date.

8 This act shall take effect immediately.