

SENATE No. 2840

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-First General Court
(2019-2020)
—

SENATE, July 23, 2020.

The committee on Public Health, to whom was referred the Message from His Excellency the Governor to Ensure the Collection of COVID-19 Data (printed in Senate, No. 2753), reports the accompanying bill (Senate, No. 2840).

For the committee,
Joanne M. Comerford

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to ensure the collection of COVID-19 data.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith the health and wellness of the residents of the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 93 of the acts of 2020 is hereby amended by striking out section 1
2 and inserting in place thereof the following section:-

3 Section 1. (a) As used in this section, “elder care facilities” shall include: (1) the Soldiers’
4 Home in Massachusetts located in the city of Chelsea; (2) the Soldiers’ Home in Holyoke; (3) a
5 convalescent home, nursing home, intermediate care facility for persons with an intellectual
6 disability, rest home or charitable home for the aged licensed pursuant to section 71 of chapter
7 111 of the General Laws; (4) a skilled nursing facility; (5) assisted living residences licensed by
8 the executive office of elder affairs; (6) elderly housing facilities that have access to or can
9 reasonably obtain health care information of residents of such facilities; (7) any residential
10 premises available for lease by elderly or disabled individuals that is financed or subsidized in
11 whole or in part by state or federal housing programs established primarily to furnish housing

12 rather than housing and personal services, as set forth in a listing established by the secretary of
13 elder affairs, that was never licensed under chapter 111 of the General Laws, and that the owners
14 or operators of which have access to or can reasonably obtain health care information of
15 residents of such residential premises; or (8) any other facility licensed as a long-term care
16 facility by the department of public health.

17 SECTION 2. Subsection (e) of said section 1 of said chapter 93 is hereby amended by
18 striking out the second sentence and inserting in place thereof the following 2 sentences:- The
19 department of public health may aggregate the data for any particular factor if not doing so
20 would violate federal law or the privacy of any individual. All data reported pursuant to this
21 section shall be available for download from the department's website in a machine-readable
22 format consistent with commonly available data analysis software.

23 SECTION 3. Said section 1 of said chapter 93 is hereby further amended by adding the
24 following new subsection:-

25 (h) The department of public health may issue regulations to implement the reporting
26 requirements in subsections (b) and (c), which regulations may provide penalties for violations
27 thereof not exceeding \$2,000 per day per violation.

28 SECTION 4. This act shall take effect upon its passage.