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To: State Legislators and Staff

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Subject: COVID-19 Testing Legislation

As of June 15, 2020, at least 15 states and the District of Columbia have introduced more than 50 bills related to carrying out COVID-19 testing (not including insurance coverage, liability or data collection). Many of these bills fund COVID-19 testing, concern a testing protocol or a task force or commission to support testing, or require certain populations to be tested or prioritized in testing (e.g., first responders or nursing home residents or staff). At least 12 of these measures have been enacted or adopted across 10 states and the District of Columbia.

Most measures have to do with diagnostic, or [viral tests](#), which diagnose a current infection, though some have to do with antibody tests, which can indicate a previous infection.

Please see the table below and don't hesitate to reach out with any questions or clarifications.

<i>State</i>	<i>Bill Summary</i>	<i>Bill Status</i>
California	SB 808 Makes appropriations for the support of state government; approves expenditures of federal funds allocated in the CARES Act for a public health emergency response, including testing and contact tracing.	Pending
Colorado	HB 1197 Amends with relocated provisions the human services referral service authorized by the State 2-1-1 collaborative, which shall include information on COVID-19 test site locations, among other things.	To Governor (Pending)
	HB 1373 Concerns the use of tobacco revenues generated under the state Constitution in a state fiscal emergency; grants in this act may be used to investigate and control the spread of COVID-19, including, but not limited to, contact tracing, and disease testing and investigation.	Pending
District of Columbia	B 733 Provides, on an emergency basis, additional authority to the Mayor and to address critical needs of District residents and businesses during the coronavirus public health emergency; authorizes the Mayor to issue a grant to an eligible hospital for supplies related to COVID-19, including testing supplies and equipment and for the costs of constructing and operating temporary structures to test individuals for COVID-19.	Enacted April 10, 2020
Hawaii	SB 75 Appropriates funds designated for the State by the CARES Act for the COVID-19 response, provided that counties shall coordinate with the department of health and appropriate medical and nursing professionals when implementing contract tracing and testing programs.	To Governor (Pending)

Hawaii cont'd	SB 2102 Requires the Executive Office on Aging (EOA) and all agencies and non-profits that receive funding through EOA to establish infection control protocols, establish emergency preparedness and response protocols, and implement Coronavirus disease 2019 testing at long-term care facilities.	Pending
	HB 1629 Makes appropriations to support the Department of Health and the Department of Defense activities to detect, contain, mitigate and respond to COVID-19, including funds for laboratory testing, equipment, supplies and four additional staff positions.	Pending
Illinois	SB 264 Makes supplemental appropriations, including \$200 million for costs and administrative expenses associated with contact tracing and testing in response to the pandemic, including areas disproportionately affected by the pandemic.	Enacted June 10, 2020
Louisiana	HCR 13 Directs the Department of Health to implement certain policies for the health and safety of long-term care facility residents, including a protocol to use testing to verify all residents, staff and visitors are free of COVID-19.	Pending
	HCR 74 Requests that CARES Act funding be made available to the state for testing and be distributed to healthcare systems.	Adopted May 26, 2020
	HCR 93/HR 44 Directs the governor to ensure that individual liberty and rights are protected as the state administers contact tracing; states that the legislature directs the governor not to authorize any mandate that any individual be tested for COVID-19 or antibodies for the virus.	Adopted June 1, 2020
Massachusetts	SB 2731 Requires each assisted living residents to provide COVID-19 diagnostic testing of all residents and personnel, regardless whether said personnel and residents are symptomatic, at least twice per week.	Pending
	HB 4672 Addresses COVID-19 data collection; creates a task force to make recommendations related to COVID-19, including on increasing access to testing for COVID-19.	Enacted May 28, 2020
Michigan	SB 151 Authorizes appropriations for response to the respiratory coronavirus public health emergency to departments for state and local preparedness and response activities, which may include, but are not limited to, Coronavirus monitoring, testing, contact tracing, infection control and continuation of critical state government functions.	Enacted April 7, 2020 (Override pending)
	SB 932 Requires employers to post Coronavirus disease 2019 testing locations.	Pending
	HB 5704 Provides for testing of patients in the care of emergency personnel for coronavirus.	Pending
	HB 5785 Requires certain subsequent testing following positive Coronavirus test.	Pending
	HB 5798 Requires employers to provide information about Coronavirus testing locations.	Pending
Minnesota	SF 32 Requires COVID 19 related screening programs in certain long term care settings; requires each facility to establish, implement and maintain a comprehensive COVID-19 infection control program according to the most current SARS-CoV-2 testing guidance for nursing homes released by the CDC, which must include COVID-19 testing of all residents and staff.	Pending
	SF 60/HF 99 Relates to long-term care settings; directs the commissioner of health to develop and implement a plan to ensure during the COVID-19 pandemic safe and timely testing of all residents of independent senior living settings.	Pending
	SF 4334 Relates to public health; appropriates funds to respond to COVID-19, including for the establishment and operation of temporary sites to provide testing services, and for the development and implementation of screening and testing procedures.	Enacted March 17, 2020

Minnesota <i>cont'd</i>	SF 4476/HF 4617 Relates to public health, appropriates money to be awarded as a grant to advance research, development, and implementation of tests necessary to respond to the coronavirus pandemic.	Failed – Adjourned
	SF 4500 Relates to public health; creates a Coronavirus disease 2019 testing and contact tracing bill of rights; establishes grants to small employers to assist in establishing Coronavirus disease 2019 testing for their employees; appropriates money.	Failed – Adjourned
New Jersey	AB 3854 Authorizes all licensed health care facilities and laboratories to collect specimens to test for coronavirus disease 2019, allows waiver of staffing ratio requirements.	Enacted March 20, 2020
	SB 2359/AB 3932 Requires coronavirus disease 2019 tests to be administered to first responders and health care workers and for the results to be expedited.	Pending
	SB 2388 Authorizes certain forms of testing for coronavirus disease	Pending
	SB 2436/ AB 4012 Authorizes pharmacists to order and administer test for coronavirus disease 2019 consistent with federal guidance, requires health benefits and Medicaid coverage for tests.	Pending
	AB 4021 Requires Department of Health to administer coronavirus disease 2019 antibody testing.	Pending
	AB 4136 Requires coronavirus disease 2019 testing for patients and staff of certain facilities.	Pending
New York	AB 10355 Relates to establishing state disaster emergency requirements for homeless shelters including testing for diseases related to the emergency, placement of individuals and families in shelters and reporting of infections related to the emergency.	Pending
	AB 10462 Establishes the test, trust, and certify act to establish a protocol for coronavirus testing, contact tracing, and immunity certification and to protect individuals' right to privacy; grants individuals the right to control their self-sovereign identification data; provides for the anonymization of biometric data for protection from law enforcement.	Pending
	AB 10494/SB 8123 Permits any individual to receive free coronavirus disease testing, provides that such individuals may be tested anonymously and no identifying information shall be provided to any nonmedical state or federal agency.	Pending
	SB 8385/AB 10512 Enacts the "New York Nursing Home Protection Act of 2020" which requires the commissioner of health to ensure all nursing home staff receives coronavirus testing twice weekly and all residents shall receive such testing weekly, provides that the Department of Health shall provide sufficient personal protective equipment (PPE) for all staff and residents.	Pending
North Carolina	HB 1043 Provides aid to people of the state in response to the COVID-19 crisis, including \$25 million for COVID-19 testing, contact tracing, and trends tracking and analysis.	Enacted May 4, 2020
	HB 1167 Relates to adult correction and juvenile justice; requires an incarcerated person to be tested for COVID-19 prior to their release.	Pending
	HB 1196 Requires mandatory weekly testing of staff in congregate living settings, appropriates coronavirus relief funds to the Department of Health and Human Services to purchase coronavirus diagnostic tests and personal protective equipment for distribution to congregate living settings.	Pending
	HB 1219 Appropriates \$10 million from the coronavirus relief fund to the University of North Carolina at Chapel Hill to carry out a statewide testing, tracking, and tracing initiative for covid-19 research and business reopening purposes.	Pending

Ohio	HB 649 Regards the authority of the Department of Health and local boards of health to make certain orders, regards the testing of individuals for certain communicable diseases.	Pending
	HB 673 Authorizes a pharmacist to order and administer diagnostic tests for COVID-19 and tests for COVID-19 antibodies.	Pending
Pennsylvania	SB 1123 Relates to coronavirus disease emergency provisions, provides that the Department of Health shall support the efforts of counties to initiate antibody point of contact tests.	Pending
	HB 2455 Provides for local health department antibody testing; appropriated funds may also be used for the purpose of conducting surveillance and contact tracing.	Pending
	HB 2510 Provides for regional response health collaborations by supporting coronavirus readiness and response, including enhanced testing capability.	Enacted May 29, 2020
	HB 2543 Provides for Coronavirus testing in long-term care facilities and for duties of the Department of Health and Department of Human Services.	Pending
South Carolina	HB 3411 Makes appropriations for Coronavirus response funds, including \$25 million to the Medical University of South Carolina for statewide community COVID-19 testing. Directs the Medical University of South Carolina, in consultation with the Department of Health and Environmental Control and the South Carolina Hospital Association to develop and deploy a statewide COVID-19 testing plan, which must emphasize testing in rural communities and areas with risk factors for COVID-19, among other provisions.	Enacted May 18, 2020
	HB 5452 Requires the Department of Health and Environmental Control to ensure testing prioritization for first responders who present with symptoms of coronavirus.	Pending
Utah	SB 3004 Enacts the Coronavirus Disease Health and Economic Response Act; creates the Public Health and Economic Emergency Commission to advise and make recommendations to the Governor regarding the state's response to the coronavirus emergency, including for a plan to promote widespread testing of individuals for COVID-19.	Enacted April 17, 2020