



House of Representatives

General Assembly

File No. 400

February Session, 2014

Substitute House Bill No. 5124

House of Representatives, April 7, 2014

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PRESERVATION OF HISTORICAL RECORDS AND ACCESS TO RESTRICTED RECORDS IN THE STATE ARCHIVES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) Any record transferred to
2 the state archives established in section 11-1c of the general statutes
3 that the State Archivist determines to be a record of historical value
4 shall be retained for posterity and title to such record shall vest in the
5 state archives.

6 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
7 section:

8 (1) "Government record" means any recorded data or information
9 prepared, owned, used, received or retained by a state or local
10 government agency that has been deemed confidential, classified or
11 private;

12 (2) "Medical record" means any information, whether oral or
 13 recorded in any form or medium, that: (A) Is created or received by a
 14 health care provider, health plan, employer, life insurer, school or
 15 university, or health care clearinghouse, as defined in 45 CFR 160.103;
 16 and (B) relates to (i) the past, present, or future physical or mental
 17 health or condition of an individual; (ii) the provision of health care to
 18 an individual; or (iii) the past, present, or future payment for the
 19 provision of health care to an individual; and

20 (3) "State archives" has the same meaning as described in section 11-
 21 1c of the general statutes.

22 (b) Notwithstanding any provision of the general statutes, any
 23 prohibition against viewing a government record, other than a medical
 24 record, that has been deposited in the state archives shall be lifted
 25 seventy-five years after the creation of such record.

26 (c) Notwithstanding any provision of the general statutes, any
 27 prohibition against viewing a medical record that has been deposited
 28 in the state archives shall be lifted fifty years after the death of the
 29 individual who is the subject of such record, except that the name,
 30 address and Social Security number of such individual shall be
 31 redacted from any medical record viewed pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	New section
Sec. 2	October 1, 2014	New section

Statement of Legislative Commissioners:

In section 2 (a)(2), a reference to 45 CFR 160.103 was added for clarity.

GAE Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill results in no fiscal impact as it reflects the current operation of the Connecticut State Library.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 5124*****AN ACT CONCERNING THE PRESERVATION OF HISTORICAL RECORDS AND ACCESS TO RESTRICTED RECORDS IN THE STATE ARCHIVES.*****SUMMARY:**

This bill opens to the public, 75 years after their creation, government records (excluding medical records) deemed confidential, classified, or private, regardless of any prohibition or state law.

It opens medical records housed in the state archives 50 years after the death of the person who is the subject of those records, regardless of any prohibition or state law. But it requires that the person's name, address, and social security number be obscured or removed from the records before they are released.

The bill requires the state archives to own and retain for posterity any record transferred to them that the state archivist determines to be of historical value.

EFFECTIVE DATE: October 1, 2014

AFFECTED RECORDS***Government Records***

A government record is any recorded data or information prepared, owned, used, received, or retained by a state or local government agency that has been deemed confidential, classified, or private.

Medical Records

A medical record is any information, either oral or recorded in any form or medium, that is created or received by a health care provider, health plan, employer, life insurer, school, university, or health care

clearinghouse as defined in federal law, that relates to:

1. an individual's past, present, or future physical or mental health or condition;
2. provision of health care to an individual; or
3. an individual's past, present, or future payment for the provision of health care.

BACKGROUND

State Archives

By law, the State Library Board must create and maintain the official state archives. The state archivist is an assistant to the State Librarian (CGS § 11-1c).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/19/2014)