



House of Representatives

General Assembly

File No. 531

February Session, 2016

Substitute House Bill No. 5499

House of Representatives, April 7, 2016

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, 2016*) 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, 2016*) (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" means the official state archives established in
 21 section 11-1c 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.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	New section
Sec. 2	October 1, 2016	New section

Statement of Legislative Commissioners:

In Section 2(a)(3), the definition of "state archives" was rephrased for accuracy and clarity.

GAE Joint Favorable Subst. -LCO

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

This bill which opens to the public, 75 years after their creation, government records, results in no fiscal impact as it is procedural in nature.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5499*****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) housed in the state archives and deemed confidential, classified, or private, regardless of any prohibition against viewing such records. 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 against viewing them. The bill also requires that the state archives own and retain for posterity any record transferred to the archives that the state archivist determines to be of historical value.

Under the bill, 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. A medical record is any information, either oral or recorded in any form or medium, 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 the following:

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

EFFECTIVE DATE: October 1, 2016

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 10 Nay 5 (03/18/2016)