



May 19, 2022

The Honorable Jim Marshall  
Chair, House Consumer Affairs Committee  
105 Ryan Office Building  
P.O. Box 202014  
Harrisburg, PA 17120-2014

The Honorable Robert F. Matzie  
Democratic Chair, House Consumer Affairs Committee  
121 Irvis Office Building  
P.O. Box 202016  
Harrisburg, PA 17120-2016

Dear Representatives Marshall and Matzie,

On behalf of Quest Diagnostics, we appreciate the opportunity to offer comments regarding House Bill 2202, amending the act of September 26, 1951 (P.L.1539, No.389), an act providing for consumer data privacy, for rights of consumers and duties of businesses relating to the collection of personal information and for duties of the Attorney General. Quest Diagnostics is the world's leading provider of diagnostic information services and serves one in three adult Americans and half the physicians and hospitals in the United States annually. We are particularly proud of our presence in Pennsylvania, which includes over 2,600 employees, labs in Pittsburgh and Horsham, and 163 patient service centers. With our robust infrastructure in Pennsylvania, we service over 36,00 physicians and 156 hospitals, and handle over 46,000 patient specimens daily.

Further, Quest Diagnostics has been at the forefront of the response to COVID-19 in Pennsylvania since we launched our first laboratory-developed COVID-19 molecular test in March 2020. Since that time, our commitment to the state during the pandemic has never wavered, as we have already conducted statewide over 4.2 million viral PCR tests.

We appreciate and share the Legislature's goals of protecting patients' data but propose an amendment to clarify the applicability of this legislation. Specifically, we respectfully propose that a provision be added exempting from this bill's applicability, protected health information (PHI), covered entities that are already subject to HIPAA protections, information that is already protected under the Fair Credit Reporting Act (FCRA), and clinical trial data currently protected by the Federal Policy for Protection of Human Subjects 45 CFR 46.

Exempting HIPAA covered data and 45 CFR 46 data from the scope of the bill would make it consistent with enacted legislation in Connecticut, California, Oregon, Utah, and Virginia. Covered entities, such as clinical labs like Quest Diagnostics, already follow the robust data protection requirements laid out in HIPAA, FCRA, and 45 CFR 46. Further, we request that the definition of “de-identified” information be amended to make it consistent with the existing definition under HIPAA. If the legislature fails to exempt this type of data, Quest and similarly situated covered entities in the Commonwealth will be subject to conflicting federal and state data protection standards.

Thank you for the opportunity to comment on the pending legislation. Please do not hesitate to contact me at (973) 520-2972 or [Ishan.S.Shah@QuestDiagnostics.com](mailto:Ishan.S.Shah@QuestDiagnostics.com) if you have any questions or would like additional information.

Sincerely,

*Ishan S. Shah*

Ishan S. Shah  
Manager, Government Affairs