

By: Klick

H.B. No. 4272

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements for information contained in the
3 immunization registry.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 161.007(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The department, for the primary purpose of establishing
8 and maintaining a single repository of accurate, complete, and
9 current immunization records to be used in aiding, coordinating,
10 and promoting efficient and cost-effective communicable disease
11 prevention and control efforts, shall establish and maintain an
12 immunization registry. The executive commissioner by rule shall
13 develop guidelines to:

14 (1) protect the confidentiality of patients in
15 accordance with Section 159.002, Occupations Code;

16 (2) inform the individual or the individual's legally
17 authorized representative about the registry and that registry
18 information may be released under Section 161.00735;

19 (3) require the written or electronic consent of the
20 individual or the individual's legally authorized representative
21 before any information relating to the individual is included in
22 the registry;

23 (4) permit the individual or the individual's legally
24 authorized representative to withdraw consent for the individual to

1 be included in the registry; ~~and~~

2 (5) determine the process by which consent for the
3 individual's information to be included in the registry is
4 verified, including affirmation by a health care provider, birth
5 registrar, regional health information exchange, or local
6 immunization registry that consent has been obtained; ~~and~~

7 (6) determine the process by which the immunization
8 information of a first responder or immediate family member of a
9 first responder may be accessed under Section 161.00708.

10 SECTION 2. Section 161.00705, Health and Safety Code, is
11 amended by amending subsections (d) and (e) and adding subsections
12 (f-1), (f-2), and (f-3) to read as follows:

13 (d) Sections 161.007, 161.0071, 161.0072, ~~and~~ 161.0074,
14 and 161.008 apply to the data elements submitted to the department
15 under this section, unless a provision in those sections conflicts
16 with a requirement in this section.

17 (e) ~~[The executive commissioner by rule shall determine the~~
18 ~~period during which]~~ The ~~[the]~~ information collected under this
19 section must remain in the immunization registry for seven years
20 following the end of the disaster, public health emergency,
21 terrorist attack, hostile military or paramilitary action, or
22 extraordinary law enforcement emergency.

23 (f-1) The executive commissioner by rule shall develop
24 guidelines and procedures for obtaining the consent required by
25 Subsection (f) from an individual or the individual's legally
26 authorized representative for continued inclusion in the registry
27 of information collected under this section beyond the period

1 prescribed by Subsection (e).

2 (f-2) For an individual whose immunization history is
3 included in the registry under this section and for whom the consent
4 required under Subsection (f) for continued inclusion has not been
5 obtained from the individual or the individual's legally authorized
6 representative, prior to the expiration of the period prescribed by
7 Subsection (e), the department shall make a reasonable effort to
8 provide notice to the individual or the individual's legally
9 authorized representative. The reasonable effort shall include at
10 least two attempts by the department to provide the notice required
11 by this subsection by telephone or e-mail, or by regular mail to the
12 last known address of the individual or the individual's legally
13 authorized representative. The notice must inform the individual or
14 the individual's legally authorized representative that the
15 individual's immunization records collected under this section
16 will be removed from immunization registry on the expiration of the
17 period prescribed under Subsection (e) unless the individual or the
18 individual's legally authorized representative consents to
19 continued inclusion as provided by Subsection (f).

20 (f-3) The department shall make a reasonable effort to
21 obtain current contact information for written or electronic
22 notices sent by the department under Subsection (f-2) that are
23 returned due to incorrect address information.

24 SECTION 3. Section [161.00708](#), Health and Safety Code, is
25 amended to read as follows:

26 Sec. 161.00708. ACCESS TO FIRST RESPONDER AND IMMEDIATE
27 FAMILY MEMBER IMMUNIZATION HISTORY. (a) The department shall

1 establish a process to provide an employer of a first responder with
2 direct access to the first responder's immunization information in
3 the immunization registry for verification of the first responder's
4 immunization history. The process must require:

5 (1) a first responder to provide electronic or written
6 consent before the employer is granted direct access to the first
7 responder's immunization information in the immunization registry;
8 and [↔]

9 (2) affirmation by the employer that the first
10 responder is a current employee of the employer.

11 (b) A first responder may withdraw consent provided under
12 Subsection (a)(1) at any time.

13 (c) [~~(b)~~] The department may establish a process to provide
14 a first responder or an immediate family member of a first responder
15 with access to the individual's own [first responder's]
16 immunization information in the immunization registry.

17 SECTION 4. Section 161.0071, Health and Safety Code, is
18 amended by adding Subsection (f) read as follows:

19 (f) An individual or the individual's legally authorized
20 representative may request to exclude the individual's
21 immunization records from the registry through a secure portal
22 accessed through the department's website.

23 SECTION 5. Section 161.008, Health and Safety Code, is
24 amended by amending Subsections (c) and (d) to read as follows:

25 (c) The department may obtain the data constituting an
26 immunization record for an individual from a public health
27 district, a local health department, the individual or the

1 individual's legally authorized representative, a physician to the
2 individual, a payor, or any health care provider licensed or
3 otherwise authorized to administer vaccines. Except as provided by
4 Section 161.00705, the ~~[The]~~ department shall verify consent before
5 including the reported information in the immunization registry [~~-~~
6 ~~The department]~~ and may not retain individually identifiable
7 information about an individual for whom consent cannot be
8 verified.

9 (d) The department may release the data constituting an
10 immunization record for the individual to:

- 11 (1) any entity that is described by Subsection (c);
- 12 (2) a school or child care facility in which the
13 individual is enrolled;
- 14 (3) a state agency having legal custody of the
15 individual; or
- 16 (4) an employer of a first responder, ~~[or]~~ a first
17 responder, or an immediate family member of a first responder in
18 accordance with Section 161.00708.

19 SECTION 6. Section 161.0107, Health and Safety Code, is
20 amended by amending Subsection (c) and adding Subsection (e) to
21 read as follows:

- 22 (c) The executive commissioner by rule shall specify:
 - 23 (1) the fields necessary to populate the immunization
24 registry, including a "yes" or "no" field that indicates the
25 patient's consent to be listed in the immunization registry has
26 been obtained; and

- 27 (2) the data standards that must be used for

1 electronic submission of immunization information.

2 (e) The fields and data standards specified in Subsection
3 (c) relating to a patient's consent to be included in the registry
4 shall not include demographic information relating to the patient.

5 SECTION 7. Subchapter [A](#), Chapter [161](#), Health and Safety
6 Code, is amended by adding Section 161.00709 to read as follows:

7 Sec. 161.00709 CONSENT PORTAL. The department shall
8 develop and maintain a secure Internet portal through which an
9 individual or the individual's legally authorized representative
10 may request to exclude the individual's immunization records from
11 the registry in accordance with Section [161.0071](#)(f).

12 SECTION 8. As soon as practicable after September 1, 2021,
13 the Texas Department of State Health Services shall develop the
14 Internet portal required by Section 161.00709, Health and Safety
15 Code, as added by this Act.

16 SECTION 9. This Act takes effect September 1, 2021.