

By: Howard

H.B. No. 771

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to information maintained in the immunization registry  
3 after an individual becomes an adult.

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

5 SECTION 1. Sections 161.007(a-1), (a-2), (b), and (e),  
6 Health and Safety Code, are amended to read as follows:

7 (a-1) The written or electronic consent required by  
8 Subsection (a)(3) for an individual younger than 18 years of age is  
9 required to be obtained only one time. After consent is submitted,  
10 the individual's immunization information may be included in the  
11 registry [~~The consent is valid~~] until the individual becomes 26  
12 [~~18~~] years of age unless the consent is withdrawn in writing or  
13 electronically. A parent, managing conservator, or guardian of a  
14 minor may provide the consent by using an electronic signature on  
15 the minor's birth certificate.

16 (a-2) An individual's legally authorized representative or  
17 the individual, after the individual has attained 18 years of age,  
18 may consent in writing or electronically for the individual's  
19 information to be included [~~remain~~] in the registry [~~after the~~  
20 ~~individual's 18th birthday and for the individual's subsequent~~  
21 ~~immunizations to be included in the registry~~]. The written or  
22 electronic consent of the minor's legally authorized  
23 representative as described by Section 161.0001(1-c)(A) must be  
24 submitted to the department before the individual's 18th birthday.

1 The written or electronic consent of the individual or the  
2 individual's legally authorized representative as described by  
3 Section 161.0001(1-c)(B) or (C) must be submitted to the department  
4 not later than the individual's 26th [~~19th~~] birthday. The consent  
5 of the representative or individual is valid until the individual  
6 or the individual's legally authorized representative withdraws  
7 consent in writing or electronically. The department may not  
8 include in the registry the immunization information of an  
9 individual who is 26 [~~18~~] years of age or older unless [~~until~~]  
10 written or electronic consent has been obtained from the individual  
11 or the individual's legally authorized representative as provided  
12 by this subsection. The department shall coordinate with the Texas  
13 Education Agency to distribute materials described in Section  
14 161.0095(a)(2) to students and parents through local school  
15 districts.

16 (b) Except as provided by Section 161.0071, the  
17 immunization registry must contain information on the immunization  
18 history that is obtained by the department under:

19 (1) this section of each individual for whom consent  
20 has been obtained in accordance with guidelines adopted under  
21 Subsection (a) [~~or (a-3), as applicable~~];

22 (2) Section 161.00705 of persons immunized to prepare  
23 for or in response to a declared disaster, public health emergency,  
24 terrorist attack, hostile military or paramilitary action, or  
25 extraordinary law enforcement emergency;

26 (3) Section 161.00706 of first responders or their  
27 immediate family members; and

1           (4) Section 161.00735 of persons evacuated or  
2 relocated to this state because of a disaster.

3           (e) The department shall provide notice to a health care  
4 provider that submits an immunization history for an individual for  
5 whom consent cannot be verified. The notice shall contain  
6 instructions for obtaining consent in accordance with guidelines  
7 adopted under Subsection [~~Subsections~~] (a) [~~and (a-3)~~] and  
8 resubmitting the immunization history to the department.

9           SECTION 2. Section 161.007(a-3), Health and Safety Code, is  
10 repealed.

11           SECTION 3. The changes in law made by this Act to Section  
12 161.007, Health and Safety Code, apply only to immunization  
13 information in the immunization registry of a person who turns 18  
14 years of age on or after the effective date of this Act. The  
15 immunization information in the immunization registry of a person  
16 who turns 18 years of age before the effective date of this Act is  
17 covered by the law in effect immediately before that date, and that  
18 law is continued in effect for that purpose.

19           SECTION 4. This Act takes effect September 1, 2013.