

1-1 By: Deuell, Schwertner S.B. No. 166  
 1-2 (In the Senate - Filed January 9, 2013; January 29, 2013,  
 1-3 read first time and referred to Committee on Agriculture, Rural  
 1-4 Affairs, and Homeland Security; March 4, 2013, reported adversely,  
 1-5 with favorable Committee Substitute by the following vote: Yeas 4,  
 1-6 Nays 0; March 4, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 166 By: Schwertner

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the use by certain health care providers of  
 1-18 electronically readable information from a driver's license or  
 1-19 personal identification certificate.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 521.126, Transportation Code, is amended  
 1-22 by amending Subsections (i), (j), and (k) and adding Subsection (l)  
 1-23 to read as follows:

1-24 (i) The prohibition provided by Subsection (b) does not  
 1-25 apply to a health care provider or hospital that accesses, uses,  
 1-26 compiles, or maintains a database of the information to provide  
 1-27 health care services to the individual who holds the driver's  
 1-28 license, commercial driver's license, or personal identification  
 1-29 certificate.

1-30 (j) Except as otherwise provided by this subsection, a  
 1-31 health care provider or hospital may not sell, transfer, or  
 1-32 otherwise disseminate the information described by Subsection (i)  
 1-33 to a third party for any purpose, including any marketing,  
 1-34 advertising, or promotional activities. A health care provider or  
 1-35 hospital that obtains information described by Subsection (i) may  
 1-36 transfer the information only in accordance with the rules  
 1-37 implementing the federal Health Insurance Portability and  
 1-38 Accountability Act of 1996 (Pub. L. No. 104-191). A business  
 1-39 associate, and any subcontractor of the business associate who  
 1-40 receives the transferred information, may use the information only  
 1-41 to service or maintain the health care provider's or hospital's  
 1-42 database of the information.

1-43 (k) If an individual objects to the health care provider or  
 1-44 hospital collecting the individual's information from the  
 1-45 individual's driver's license as described by Subsection (i), the  
 1-46 health care provider or hospital must use an alternative method for  
 1-47 collecting the individual's information.

1-48 (l) In this section, "health care provider" means an  
 1-49 individual or facility licensed, certified, or otherwise  
 1-50 authorized by the law of this state to provide or administer health  
 1-51 care, for profit or otherwise, in the ordinary course of business or  
 1-52 professional practice, including a physician, nurse, dentist,  
 1-53 podiatrist, pharmacist, chiropractor, therapeutic optometrist,  
 1-54 ambulatory surgical center, and nursing home, and emergency medical  
 1-55 services personnel as defined by Section 773.003, Health and Safety  
 1-56 Code.

1-57 SECTION 2. This Act takes effect September 1, 2013.

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