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H.B. No. 2171

A BILL TO BE ENTITLED

AN ACT

relating to information maintained in the immunization registry
with the consent of an individual after the individual becomes an
adult.

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

SECTION 1. Section 161.007, Health and Safety Code, is
amended by amending Subsections (a-1), (a-2), (b), and (e) and
adding Subsections (a-4), (a-5), and (a-6), and amending Subsection
(a-3), as amended by S.B. 219, Acts of the 84th Legislature, Regular
Session, 2015, to read as follows:

(a-1) The written or electronic consent required by
Subsection (a)(3) for an individual younger than 18 years of age is
required to be obtained only one time. The written or electronic
consent of the individual's parent, managing conservator, or
guardian must be submitted to the department before the
individual's 18th birthday. After consent is submitted, the
individual's immunization information may be included in the
registry [The consent is valid] until the individual becomes 26
[18] years of age unless the consent is withdrawn in writing or
electronically, or renewed after the individual's 18th birthday as
provided by Subsection (a-2). A parent, managing conservator, or
guardian of a minor may provide the consent by using an electronic
signature on the minor's birth certificate.

(a-2) The written or electronic consent required by

1 Subsection (a)(3) for an individual who is 18 years of age or older
2 is required to be obtained only one time and must be received from
3 the individual before the information may be released. An
4 individual's legally authorized representative or the individual,
5 after the individual has attained 18 years of age, may consent in
6 writing or electronically for the individual's information to
7 remain in the registry [~~after the individual's 18th birthday and~~
8 ~~for the individual's subsequent immunizations to be included in the~~
9 ~~registry]. [~~The written or electronic consent of the minor's~~
10 ~~legally authorized representative as described by Section~~
11 ~~161.0001(1-c)(A) must be submitted to the department before the~~
12 ~~individual's 18th birthday. The written or electronic consent of~~
13 ~~the individual or the individual's legally authorized~~
14 ~~representative as described by Section 161.0001(1-c)(B) or (C) must~~
15 ~~be submitted to the department not later than the individual's 19th~~
16 ~~birthday.] The consent of the representative or individual is valid
17 until the individual or the individual's legally authorized
18 representative withdraws consent in writing or electronically. The
19 department may not include in the registry the immunization
20 information of an individual who is 26 [~~18~~] years of age or older
21 until written or electronic consent has been obtained as provided
22 by this subsection. The department shall coordinate with the Texas
23 Education Agency to distribute materials described in Section
24 161.0095(a)(2) to students and parents through local school
25 districts.~~~~

26 (a-3) The executive commissioner by rule shall develop
27 guidelines and procedures for obtaining consent from an individual

1 after the individual's 18th birthday, including procedures for
2 retaining immunization information in a separate database that is
3 inaccessible by any person other than the department during the
4 eight-year [~~one-year~~] period during which an individual who is 18
5 years of age or older [~~an 18-year-old~~] may consent to inclusion in
6 the registry under Subsection (a-2).

7 (a-4) After an individual's 18th birthday, the department
8 shall make a reasonable effort to provide notice to an individual
9 whose immunization information is included in the registry with
10 consent that was provided by a parent, managing conservator, or
11 guardian under Subsection (a-1). The reasonable effort shall
12 include at least two attempts by the department to provide the
13 notice required by this subsection by telephone or e-mail, by
14 regular mail to the individual's last known address, or by general
15 outreach efforts through the individual's health care provider,
16 school district, or institution of higher education. The notice
17 must inform the individual that the individual's immunization
18 records will be included in the registry until the date of the
19 individual's 26th birthday unless the individual or the
20 individual's legally authorized representative:

21 (1) withdraws consent in writing or electronically
22 before that date; or

23 (2) provides consent for the records to continue to be
24 included in the registry as provided by Subsection (a-2).

25 (a-5) After an individual's 25th birthday, the department
26 shall make a reasonable effort to provide notice to an individual
27 whose immunization information is included in the registry with

1 consent that was provided under Subsection (a-1) and has not been
2 renewed under Subsection (a-2). The reasonable effort shall
3 include at least two attempts by the department to provide the
4 notice required by this subsection by telephone or e-mail, by
5 regular mail to the individual's last known address, or by general
6 outreach efforts through the individual's health care provider or
7 institution of higher education. The notice must inform the
8 individual that the individual's immunization records will be
9 included in the immunization registry until the individual's 26th
10 birthday unless the individual or the individual's legally
11 authorized representative renews consent as provided by Subsection
12 (a-2).

13 (a-6) The department shall make a reasonable effort to
14 obtain current contact information for written or electronic
15 notices sent by the department under Subsection (a-5) that are
16 returned due to incorrect address information.

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

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

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

27 (3) Section 161.00706 of first responders or their

1 immediate family members; and

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

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

10 SECTION 2. The changes in law made by this Act to Section
11 161.007, Health and Safety Code, apply only to immunization
12 information in the immunization registry of a person who turns 18
13 years of age on or after the effective date of this Act. The
14 immunization information in the immunization registry of a person
15 who turns 18 years of age before the effective date of this Act is
16 governed by the law in effect immediately before that date, and that
17 law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2015.