

By: Sheffield, Zerwas, Zedler,  
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H.B. No. 2171

Substitute the following for H.B. No. 2171:

By: Crownover

C.S.H.B. No. 2171

A BILL TO BE ENTITLED

AN ACT

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

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

6 SECTION 1. Section 161.007, Health and Safety Code, is  
7 amended by amending Subsections (a-1), (a-2), (b), and (e) and  
8 adding Subsections (a-4), (a-5), and (a-6) to read as follows:

9 (a-1) The written or electronic consent required by  
10 Subsection (a)(3) for an individual younger than 18 years of age is  
11 required to be obtained only one time. The written or electronic  
12 consent of the individual's parent, managing conservator, or  
13 guardian must be submitted to the department before the  
14 individual's 18th birthday. After consent is submitted, the  
15 individual's immunization information may be included in the  
16 registry [The consent is valid] until the individual becomes 26  
17 [18] years of age unless the consent is withdrawn in writing or  
18 electronically, or renewed after the individual's 18th birthday as  
19 provided by Subsection (a-2). A parent, managing conservator, or  
20 guardian of a minor may provide the consent by using an electronic  
21 signature on the minor's birth certificate.

22 (a-2) The written or electronic consent required by  
23 Subsection (a)(3) for an individual who is 18 years of age or older  
24 is required to be obtained only one time. An individual's legally

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

23 (a-4) After an individual's 18th birthday, the department  
24 shall make a reasonable effort to provide notice to an individual  
25 whose immunization information is included in the registry with  
26 consent that was provided by a parent, managing conservator, or  
27 guardian under Subsection (a-1). The reasonable effort shall

1 include at least two attempts by the department to provide the  
2 notice required by this subsection by telephone or e-mail, by  
3 regular mail to the individual's last known address, or by general  
4 outreach efforts through the individual's health care provider,  
5 school district, or institution of higher education. The notice  
6 must inform the individual that the individual's immunization  
7 records will be included in the registry until the date of the  
8 individual's 26th birthday unless the individual or the  
9 individual's legally authorized representative:

10 (1) withdraws consent in writing or electronically  
11 before that date; or

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

14 (a-5) After an individual's 25th birthday, the department  
15 shall make a reasonable effort to provide notice to an individual  
16 whose immunization information is included in the registry with  
17 consent that was provided under Subsection (a-1) and has not been  
18 renewed under Subsection (a-2). The reasonable effort shall  
19 include at least two attempts by the department to provide the  
20 notice required by this subsection by telephone or e-mail, by  
21 regular mail to the individual's last known address, or by general  
22 outreach efforts through the individual's health care provider or  
23 institution of higher education. The notice must inform the  
24 individual that the individual's immunization records will be  
25 included in the immunization registry until the individual's 26th  
26 birthday unless the individual or the individual's legally  
27 authorized representative renews consent as provided by Subsection

1 (a-2).

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

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

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

12 (2) Section 161.00705 of persons immunized to prepare  
13 for or in response to a declared disaster, public health emergency,  
14 terrorist attack, hostile military or paramilitary action, or  
15 extraordinary law enforcement emergency;

16 (3) Section 161.00706 of first responders or their  
17 immediate family members; and

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

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

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

1           SECTION 3. The changes in law made by this Act to Section  
2 161.007, Health and Safety Code, apply only to immunization  
3 information in the immunization registry of a person who turns 18  
4 years of age on or after the effective date of this Act. The  
5 immunization information in the immunization registry of a person  
6 who turns 18 years of age before the effective date of this Act is  
7 governed by the law in effect immediately before that date, and that  
8 law is continued in effect for that purpose.

9           SECTION 4. This Act takes effect September 1, 2015.