

By: Sheffield

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17 [18] years of age unless the consent is withdrawn in writing or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 department shall make a

1 reasonable effort to provide the notice required by this subsection
2 by telephone or e-mail or by regular mail to the individual's last
3 known address. The notice must inform the individual that the
4 individual's immunization records will be included in the registry
5 until the date of the individual's 26th birthday unless the
6 individual or the individual's legally authorized representative:

7 (1) withdraws consent in writing or electronically
8 before that date; or

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

11 (a-5) After an individual's 25th birthday, the department
12 shall make a reasonable effort to provide notice to an individual
13 whose immunization information is included in the registry with
14 consent that was provided under Subsection (a-1) and has not been
15 renewed under Subsection (a-2). The department shall make a
16 reasonable effort to provide the notice required by this subsection
17 by telephone or e-mail or by regular mail to the individual's last
18 known address. The notice must inform the individual that the
19 individual's immunization records will be included in the
20 immunization registry until the individual's 26th birthday unless
21 the individual or the individual's legally authorized
22 representative renews consent as provided by Subsection (a-2).

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

27 (b) Except as provided by Section [161.0071](#), the

1 immunization registry must contain information on the immunization
2 history that is obtained by the department under:

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

6 (2) Section 161.00705 of persons immunized to prepare
7 for or in response to a declared disaster, public health emergency,
8 terrorist attack, hostile military or paramilitary action, or
9 extraordinary law enforcement emergency;

10 (3) Section 161.00706 of first responders or their
11 immediate family members; and

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

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

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

22 SECTION 3. The changes in law made by this Act to Section
23 161.007, Health and Safety Code, apply only to immunization
24 information in the immunization registry of a person who turns 18
25 years of age on or after the effective date of this Act. The
26 immunization information in the immunization registry of a person
27 who turns 18 years of age before the effective date of this Act is

1 governed by the law in effect immediately before that date, and that
2 law is continued in effect for that purpose.

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