

1-1 By: Sheffield, et al. (Senate Sponsor - Zaffirini) H.B. No. 2171  
 1-2 (In the Senate - Received from the House May 5, 2015;  
 1-3 May 7, 2015, read first time and referred to Committee on Health  
 1-4 and Human Services; May 22, 2015, reported favorably by the  
 1-5 following vote: Yeas 7, Nays 2; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9		X		
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to information maintained in the immunization registry  
 1-20 with the consent of an individual after the individual becomes an  
 1-21 adult.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 161.007, Health and Safety Code, is  
 1-24 amended by amending Subsections (a-1), (a-2), (b), and (e) and  
 1-25 adding Subsections (a-4), (a-5), and (a-6), and amending Subsection  
 1-26 (a-3), as amended by S.B. 219, Acts of the 84th Legislature, Regular  
 1-27 Session, 2015, to read as follows:

1-28 (a-1) The written or electronic consent required by  
 1-29 Subsection (a)(3) for an individual younger than 18 years of age is  
 1-30 required to be obtained only one time. The written or electronic  
 1-31 consent of the individual's parent, managing conservator, or  
 1-32 guardian must be submitted to the department before the  
 1-33 individual's 18th birthday. After consent is submitted, the  
 1-34 individual's immunization information may be included in the  
 1-35 registry [The consent is valid] until the individual becomes 26  
 1-36 [18] years of age unless the consent is withdrawn in writing or  
 1-37 electronically, or renewed after the individual's 18th birthday as  
 1-38 provided by Subsection (a-2). A parent, managing conservator, or  
 1-39 guardian of a minor may provide the consent by using an electronic  
 1-40 signature on the minor's birth certificate.

1-41 (a-2) The written or electronic consent required by  
 1-42 Subsection (a)(3) for an individual who is 18 years of age or older  
 1-43 is required to be obtained only one time and must be received from  
 1-44 the individual before the information may be released. An  
 1-45 individual's legally authorized representative or the individual,  
 1-46 after the individual has attained 18 years of age, may consent in  
 1-47 writing or electronically for the individual's information to  
 1-48 remain in the registry [after the individual's 18th birthday and  
 1-49 for the individual's subsequent immunizations to be included in the  
 1-50 registry]. [The written or electronic consent of the minor's  
 1-51 legally authorized representative as described by Section  
 1-52 161.0001(1-c)(A) must be submitted to the department before the  
 1-53 individual's 18th birthday. The written or electronic consent of  
 1-54 the individual or the individual's legally authorized  
 1-55 representative as described by Section 161.0001(1-c)(B) or (C) must  
 1-56 be submitted to the department not later than the individual's 19th  
 1-57 birthday.] The consent of the representative or individual is valid  
 1-58 until the individual or the individual's legally authorized  
 1-59 representative withdraws consent in writing or electronically. The  
 1-60 department may not include in the registry the immunization  
 1-61 information of an individual who is 26 [18] years of age or older

2-1 until written or electronic consent has been obtained as provided  
 2-2 by this subsection. The department shall coordinate with the Texas  
 2-3 Education Agency to distribute materials described in Section  
 2-4 161.0095(a)(2) to students and parents through local school  
 2-5 districts.

2-6 (a-3) The executive commissioner by rule shall develop  
 2-7 guidelines and procedures for obtaining consent from an individual  
 2-8 after the individual's 18th birthday, including procedures for  
 2-9 retaining immunization information in a separate database that is  
 2-10 inaccessible by any person other than the department during the  
 2-11 eight-year [~~one-year~~] period during which an individual who is 18  
 2-12 years of age or older [~~an 18-year-old~~] may consent to inclusion in  
 2-13 the registry under Subsection (a-2).

2-14 (a-4) After an individual's 18th birthday, the department  
 2-15 shall make a reasonable effort to provide notice to an individual  
 2-16 whose immunization information is included in the registry with  
 2-17 consent that was provided by a parent, managing conservator, or  
 2-18 guardian under Subsection (a-1). The reasonable effort shall  
 2-19 include at least two attempts by the department to provide the  
 2-20 notice required by this subsection by telephone or e-mail, by  
 2-21 regular mail to the individual's last known address, or by general  
 2-22 outreach efforts through the individual's health care provider,  
 2-23 school district, or institution of higher education. The notice  
 2-24 must inform the individual that the individual's immunization  
 2-25 records will be included in the registry until the date of the  
 2-26 individual's 26th birthday unless the individual or the  
 2-27 individual's legally authorized representative:

2-28 (1) withdraws consent in writing or electronically  
 2-29 before that date; or

2-30 (2) provides consent for the records to continue to be  
 2-31 included in the registry as provided by Subsection (a-2).

2-32 (a-5) After an individual's 25th birthday, the department  
 2-33 shall make a reasonable effort to provide notice to an individual  
 2-34 whose immunization information is included in the registry with  
 2-35 consent that was provided under Subsection (a-1) and has not been  
 2-36 renewed under Subsection (a-2). The reasonable effort shall  
 2-37 include at least two attempts by the department to provide the  
 2-38 notice required by this subsection by telephone or e-mail, by  
 2-39 regular mail to the individual's last known address, or by general  
 2-40 outreach efforts through the individual's health care provider or  
 2-41 institution of higher education. The notice must inform the  
 2-42 individual that the individual's immunization records will be  
 2-43 included in the immunization registry until the individual's 26th  
 2-44 birthday unless the individual or the individual's legally  
 2-45 authorized representative renews consent as provided by Subsection  
 2-46 (a-2).

2-47 (a-6) The department shall make a reasonable effort to  
 2-48 obtain current contact information for written or electronic  
 2-49 notices sent by the department under Subsection (a-5) that are  
 2-50 returned due to incorrect address information.

2-51 (b) Except as provided by Section 161.0071, the  
 2-52 immunization registry must contain information on the immunization  
 2-53 history that is obtained by the department under:

2-54 (1) this section of each individual for whom consent  
 2-55 has been obtained in accordance with guidelines adopted under  
 2-56 Subsection (a) [~~or (a-3), as applicable~~];

2-57 (2) Section 161.00705 of persons immunized to prepare  
 2-58 for or in response to a declared disaster, public health emergency,  
 2-59 terrorist attack, hostile military or paramilitary action, or  
 2-60 extraordinary law enforcement emergency;

2-61 (3) Section 161.00706 of first responders or their  
 2-62 immediate family members; and

2-63 (4) Section 161.00735 of persons evacuated or  
 2-64 relocated to this state because of a disaster.

2-65 (e) The department shall provide notice to a health care  
 2-66 provider that submits an immunization history for an individual for  
 2-67 whom consent cannot be verified. The notice shall contain  
 2-68 instructions for obtaining consent in accordance with guidelines  
 2-69 adopted under Subsection [~~Subsections~~] (a) [~~and (a-3)~~] and

3-1 resubmitting the immunization history to the department.  
3-2 SECTION 2. The changes in law made by this Act to Section  
3-3 161.007, Health and Safety Code, apply only to immunization  
3-4 information in the immunization registry of a person who turns 18  
3-5 years of age on or after the effective date of this Act. The  
3-6 immunization information in the immunization registry of a person  
3-7 who turns 18 years of age before the effective date of this Act is  
3-8 governed by the law in effect immediately before that date, and that  
3-9 law is continued in effect for that purpose.

3-10 SECTION 3. This Act takes effect September 1, 2015.

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