

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris

H.B. No. 3704

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain public health data maintained by the Department
3 of State Health Services and shared with certain local health
4 entities.

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

6 SECTION 1. Section 121.005, Health and Safety Code, is
7 amended by adding Subsections (e) and (f) to read as follows:

8 (e) The department may enter into a memorandum of
9 understanding and data use agreement with an affiliated local
10 health unit, local health department, or public health district
11 that provides essential public health services to share relevant
12 public health data maintained by the department in a manner
13 consistent with federal and state law.

14 (f) An affiliated local health unit, local health
15 department, or public health district seeking public health data
16 only for research purposes must submit a request to the
17 institutional review board established under Section 108.0135 for
18 review and approval of the request.

19 SECTION 2. This Act takes effect September 1, 2019.

ADOPTED

MAY 21 2019

Leta Spaw
Secretary of the Senate

By: Thompson / Zaffirini

____.B. No. _____

Substitute the following for ____B. No. _____:

By: *Chad Perry*

C.S. H.B. No. 3704

A BILL TO BE ENTITLED

AN ACT

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2 relating to certain public health data maintained by the Department
3 of State Health Services and shared with certain local health
4 entities.

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

6 SECTION 1. Subchapter D, Chapter 1001, Health and Safety
7 Code, is amended by adding Section 1001.089 to read as follows:

8 Sec. 1001.089. PUBLIC HEALTH DATA. (a) In this section:

9 (1) "Essential public health services" has the meaning
10 assigned by Section 121.002.

11 (2) "Local public health entity" means a local health
12 unit, local health department, or public health district.

13 (b) Notwithstanding Sections 81.103, 82.009, 88.002(b),
14 92.006, and 192.002(b), the department may enter into an agreement
15 with a local public health entity that provides essential public
16 health services to provide the entity access to:

17 (1) identified public health data relating to the
18 entity's jurisdiction and any public health data relating to a
19 jurisdiction contiguous to the entity; and

20 (2) deidentified public health data maintained by the
21 department relating to the jurisdiction of any other local public
22 health entity.

23 (c) The public health data obtained through the agreement
24 may be used only in the provision of essential public health

1 services.

2 (d) Access to public health data includes necessary
3 identified public health data required for an infectious disease
4 investigation conducted under Chapter 81.

5 (e) For any public health data request that is not subject
6 to Subsection (b), (c), or (d) and except as provided by Subsection
7 (f), the department shall establish a review process for the
8 consideration of public health data requests relating to essential
9 public health services or public health research. The process must
10 evaluate:

11 (1) the public health benefit and purpose of the
12 request;

13 (2) the privacy of the individuals whose data is
14 requested;

15 (3) the management of the data by the requestor,
16 including management of public health data released to the
17 requestor in previous requests; and

18 (4) other relevant law.

19 (f) A local public health entity seeking public health data
20 for human subject research purposes must submit a request to the
21 department's institutional review board for review and
22 consideration.

23 (g) A local public health entity receiving public health
24 data from the department under this section shall:

25 (1) maintain the integrity and security of the data;

26 and

27 (2) comply with state and federal privacy laws.

1 SECTION 2. The executive commissioner of the Health and
2 Human Services Commission shall adopt rules to implement Section
3 1001.089(e), Health and Safety Code, as added by this Act.

4 SECTION 3. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 22, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3704 by Thompson, Senfronia (Relating to certain public health data maintained by the Department of State Health Services and shared with certain local health entities.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to allow the Department of State Health Services (DSHS) to enter into an agreement with a local public health entity to provide the entity access to certain public health data maintained by DSHS. The bill would require DSHS to establish a review process for requests relating to access to public health data for human subject research purposes.

The bill would take effect September 1, 2019.

This analysis assumes the provisions of the bill can be implemented using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: WP, SD, AKi, EP, AMa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 19, 2019

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3704 by Thompson, Senfronia (Relating to certain public health data maintained by the Department of State Health Services and shared with certain local health entities.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to allow the Department of State Health Services (DSHS) to enter into an agreement with a local public health entity to provide the entity access to certain public health data maintained by DSHS. The bill would require DSHS to establish a review process for requests relating to access to public health data for human subject research purposes.

The bill would take effect September 1, 2019.

This analysis assumes the provisions of the bill can be implemented using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: WP, AKi, EP, AMa

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3704 by Thompson, Senfronia (Relating to certain public health data maintained by the Department of State Health Services and shared with certain local health entities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to allow the Department of State Health Services (DSHS) to enter in a memorandum of understanding and a data use agreement with local health units, local health departments, or public health districts to share public health data maintained by DSHS.

The bill would take effect September 1, 2019.

According to the agency, the provisions of the bill can be implemented using existing resources.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: WP, AKi, EP, AMa, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 16, 2019

TO: Honorable Senfronia Thompson, Chair, House Committee on Public Health

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3704 by Thompson, Senfronia (Relating to certain public health data maintained by the Department of State Health Services and shared with certain local health entities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to allow the Department of State Health Services (DSHS) to enter in a memorandum of understanding and a data use agreement with local health units, local health departments, or public health districts to share public health data maintained by DSHS.

The bill would take effect September 1, 2019.

According to the agency, the provisions of the bill can be implemented using existing resources.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: WP, AKi, EP, AMa, AF