

**House Bill 3704**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

No equivalent provision.

SENATE VERSION (CS)

No equivalent provision.

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

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

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

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

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

CONFERENCE

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- (1) identified public health data relating to the entity's jurisdiction and any public health data relating to a jurisdiction contiguous to the entity; and
- (2) deidentified public health data maintained by the department relating to the jurisdiction of any other local public health entity.
- (c) The public health data obtained through the agreement may be used only in the provision of essential public health services.
- (d) Access to public health data includes necessary identified public health data required for an infectious disease investigation conducted under Chapter 81.
- (e) For any public health data request that is not subject to Subsection (b), (c), or (d) and except as provided by Subsection (f), the department shall establish a review process for the consideration of public health data requests relating to essential public health services or public health research. The process must evaluate:
  - (1) the public health benefit and purpose of the request;
  - (2) the privacy of the individuals whose data is requested;
  - (3) the management of the data by the requestor, including management of public health data released to the requestor in previous requests; and
  - (4) other relevant law.
- (f) A local public health entity seeking public health data for human subject research purposes must submit a request to the department's institutional review board for review and consideration.
- (g) A local public health entity receiving public health data from the department under this section shall:
  - (1) maintain the integrity and security of the data; and
  - (2) comply with state and federal privacy laws.

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SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

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

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

SECTION 3. Same as House version.