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et al.

H.B. No. 4272

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements for information contained in the
3 immunization registry.

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

5 SECTION 1. Sections 161.007(a) and (a-1), Health and Safety
6 Code, are amended to read as follows:

7 (a) The department, for the primary purpose of establishing
8 and maintaining a single repository of accurate, complete, and
9 current immunization records to be used in aiding, coordinating,
10 and promoting efficient and cost-effective communicable disease
11 prevention and control efforts, shall establish and maintain an
12 immunization registry. The executive commissioner by rule shall
13 develop guidelines to:

14 (1) protect the confidentiality of patients in
15 accordance with Section 159.002, Occupations Code;

16 (2) inform the individual or the individual's legally
17 authorized representative about the registry and that registry
18 information may be released under Section 161.00735;

19 (3) require the written or electronic consent of the
20 individual or the individual's legally authorized representative
21 before any information relating to the individual is included in
22 the registry;

23 (4) permit the individual or the individual's legally
24 authorized representative to withdraw consent for the individual to

1 be included in the registry; ~~and~~

2 (5) determine the process by which consent for the
3 individual's information to be included in the registry is
4 verified, including affirmation by a health care provider, birth
5 registrar, regional health information exchange, or local
6 immunization registry that consent has been obtained; and

7 (6) determine the process by which the immunization
8 information of a first responder or immediate family member of a
9 first responder may be accessed under Section 161.00708.

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

23 SECTION 2. Section 161.00705, Health and Safety Code, is
24 amended by amending Subsections (d) and (e) and adding Subsections
25 (f-1), (f-2), (f-3), and (f-4) to read as follows:

26 (d) Sections 161.007, 161.0071, 161.0072, ~~and~~ 161.0074,
27 and 161.008 apply to the data elements submitted to the department

1 under this section, unless a provision in those sections conflicts
2 with a requirement in this section.

3 (e) The ~~[executive commissioner by rule shall determine~~
4 ~~the]~~ period during which the information collected under this
5 section must remain in the immunization registry following the end
6 of the disaster is seven years~~[, public health emergency, terrorist~~
7 ~~attack, hostile military or paramilitary action, or extraordinary~~
8 ~~law enforcement emergency]~~.

9 (f-1) The executive commissioner by rule shall develop
10 guidelines and procedures for obtaining the consent required by
11 Subsection (f) from an individual or the individual's legally
12 authorized representative for continued inclusion in the registry
13 of information collected under this section beyond the period
14 prescribed by Subsection (e).

15 (f-2) For an individual whose immunization history is
16 included in the registry under this section and for whom the consent
17 required under Subsection (f) for continued inclusion has not been
18 obtained from the individual or the individual's legally authorized
19 representative, prior to the expiration of the period prescribed by
20 Subsection (e), the department shall make a reasonable effort to
21 provide notice to the individual or the individual's legally
22 authorized representative. The reasonable effort shall include at
23 least two attempts by the department to provide the notice required
24 by this subsection by telephone or e-mail, or by regular mail to the
25 last known address of the individual or the individual's legally
26 authorized representative. The notice must inform the individual or
27 the individual's legally authorized representative that the

1 individual's immunization records collected under this section
2 will be removed from immunization registry on the expiration of the
3 period prescribed under Subsection (e) unless the individual or the
4 individual's legally authorized representative consents to
5 continued inclusion as provided by Subsection (f).

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

10 (f-4) Consent for inclusion in the immunization registry
11 obtained under Section 161.007(a-1) shall meet the consent
12 requirements of Subsection (f).

13 SECTION 3. Section 161.00708, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 161.00708. ACCESS TO FIRST RESPONDER AND IMMEDIATE
16 FAMILY MEMBER IMMUNIZATION HISTORY. (a) The department shall
17 establish a process to provide an employer of a first responder with
18 direct access to the first responder's immunization information in
19 the immunization registry for verification of the first responder's
20 immunization history. The process must require:

21 (1) a first responder to provide electronic or written
22 consent before the employer is granted direct access to the first
23 responder's immunization information in the immunization registry;
24 and

25 (2) affirmation by the employer that the first
26 responder is a current employee of the employer.

27 (b) A first responder may withdraw consent provided under

1 Subsection (a)(1) at any time.

2 (c) [~~(b)~~] The department may establish a process to provide
3 a first responder or an immediate family member of a first responder
4 with access to the individual's own [~~first responder's~~]
5 immunization information in the immunization registry.

6 SECTION 4. Section 161.0071, Health and Safety Code, is
7 amended by adding Subsection (f) to read as follows:

8 (f) An individual or the individual's legally authorized
9 representative may request to exclude the individual's
10 immunization records from the registry through a secure portal
11 accessed through the department's website.

12 SECTION 5. Section 161.00735(e), Health and Safety Code, is
13 amended to read as follows:

14 (e) The [~~executive commissioner by rule shall determine~~
15 ~~the~~] period during which the information collected under Subsection
16 (c) must remain in the immunization registry following the end of
17 the disaster is seven years.

18 SECTION 6. Section 161.008, Health and Safety Code, is
19 amended by amending Subsections (c) and (d) to read as follows:

20 (c) The department may obtain the data constituting an
21 immunization record for an individual from a public health
22 district, a local health department, the individual or the
23 individual's legally authorized representative, a physician to the
24 individual, a payor, or any health care provider licensed or
25 otherwise authorized to administer vaccines. Except as provided by
26 Section 161.00705, the [~~The~~] department shall verify consent before
27 including the reported information in the immunization registry and

1 [~~. The department~~] may not retain individually identifiable
2 information about an individual for whom consent cannot be
3 verified.

4 (d) The department may release the data constituting an
5 immunization record for the individual to:

6 (1) any entity that is described by Subsection (c);

7 (2) a school or child care facility in which the
8 individual is enrolled;

9 (3) a state agency having legal custody of the
10 individual; or

11 (4) an employer of a first responder, ~~or~~ a first
12 responder, or an immediate family member of a first responder in
13 accordance with Section 161.00708.

14 SECTION 7. Section 161.0107, Health and Safety Code, is
15 amended by amending Subsection (c) and adding Subsection (e) to
16 read as follows:

17 (c) The executive commissioner by rule shall specify:

18 (1) the fields necessary to populate the immunization
19 registry, including a "yes" or "no" field that indicates the
20 patient's consent to be listed in the immunization registry has
21 been obtained; and

22 (2) the data standards that must be used for
23 electronic submission of immunization information.

24 (e) The fields and data standards specified in Subsection
25 (c) relating to a patient's consent to be included in the registry
26 shall not include demographic information relating to the patient.

27 SECTION 8. Subchapter A, Chapter 161, Health and Safety

1 Code, is amended by adding Section 161.00709 to read as follows:

2 Sec. 161.00709. CONSENT PORTAL. The department shall
3 develop and maintain a secure Internet portal through which an
4 individual or the individual's legally authorized representative
5 may request to exclude the individual's immunization records from
6 the registry in accordance with Section 161.0071(f).

7 SECTION 9. Sections 161.007(a-2), (a-3), (a-4), (a-5), and
8 (a-6), Health and Safety Code, are repealed.

9 SECTION 10. As soon as practicable after September 1, 2021,
10 the Department of State Health Services shall develop the Internet
11 portal required by Section 161.00709, Health and Safety Code, as
12 added by this Act.

13 SECTION 11. This Act takes effect September 1, 2021.