

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 21, 2021**

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

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4272** by Klick (Relating to requirements for and prohibited uses of information contained in the immunization registry.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4272, Committee Report 2nd House, Substituted : a positive impact of \$25,001 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five- Year Impact:**

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$480,399)
2023	\$505,400
2024	\$505,400
2025	\$505,400
2026	\$505,400

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>
2022	(\$480,399)
2023	\$505,400
2024	\$505,400
2025	\$505,400
2026	\$505,400

**Fiscal Analysis**

The bill would require the Department of State Health Services (DSHS) to establish a process for a first responder or an immediate family member to access the immunization information of a first responder.

The bill would require consent for inclusion in the immunization registry to be provided once and authorize the individual's immunization records to be maintained in the registry unless consent is withdrawn.

The bill would require DSHS to maintain information collected on administrations of immunizations and medications for certain disasters and emergencies for seven years. The bill would require DSHS to make at least two attempts to provide notice that an individual's disaster-related immunization records would be removed from the immunization registry prior to the expiration of the seven-year period unless consent is provided for continued inclusion.

The bill would require DSHS to have employers affirm that a first responder is currently employed by them prior to receiving access to the first responder's immunization history.

The bill would require DSHS to develop and maintain a secure internet portal through which an individual or the individual's legally authorized representative could request to exclude the individual's immunization records from the immunization registry.

The bill would repeal the requirement that DSHS contact individuals twice at 18 years of age and twice at 25 years of age in order to notify them that their information will be removed from the registry if they do not provide adult consent by their 26th birthday.

The bill would prohibit a governmental entity using information from the immunization registry from issuing a vaccine passport for a purpose other than healthcare, prohibit businesses using information from the registry from requiring documentation certifying the customer's COVID-19 vaccination or recovery, prohibit employers using information from the registry from employment discrimination because an individual does not provide documentation of COVID-19 vaccination, and require state agencies to ensure businesses in the state comply and may require compliance as a condition for receiving licenses, permits, or other authorizations.

## **Methodology**

The analysis assumes DSHS could establish a process for a first responder or an immediate family member to access the immunization information of a first responder using existing resources.

According to DSHS, there would be significant costs to implement the provisions of the bill requiring the agency to make at least two attempts to provide notice that an individual's disaster-related immunization records would be removed from the immunization registry, but those costs would not occur until seven years after the implementation of the bill. DSHS estimates that the immunization registry will contain approximately 18 million records for individuals who have received disaster-related COVID-19 vaccines, and that costs to provide the required notice by mail to individuals without a listed phone number would be approximately \$5.2 million starting in fiscal year 2028.

The analysis assumes DSHS could establish a process to have employers affirm that the first responder is currently employed by them prior to receiving access to the first responder's immunization history using existing resources.

According to DSHS, removing the requirement for DSHS to contact individuals twice at 18 years of age and twice at 25 years of age would result in cost savings. The requirement for contacting individuals twice at 25 years of age was set to go into effect in fiscal year 2023, so savings would be greater starting in fiscal year 2023. DSHS estimated that savings would be \$177,333 in fiscal year 2022 and \$505,400 in subsequent fiscal years.

It is assumed the provisions of the bill relating to COVID-19 vaccine passports could be implemented by state agencies using existing resources.

## **Technology**

According to DSHS, the agency would have technology-related costs of \$657,732 in fiscal year 2022 for application/system modifications for ImmTrac2, the Texas immunization registry, in order to develop the secure internet portal required by the bill.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Hlth & Human Svcs Comm, 537 State Health Services

**LBB Staff:** JMc, AKI, JLI, NDA