

By: Klick

H.B. No. 4262

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements for and prohibited uses of information
3 contained in the 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18 ~~age]~~ unless the consent is withdrawn in writing or electronically~~[~~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 the~~
4 ~~period during which the]~~ information collected under this section
5 must remain in the immunization registry until the seventh
6 anniversary of the last day ~~[following the end]~~ of the disaster,
7 public health emergency, terrorist attack, hostile military or
8 paramilitary action, or extraordinary 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) The department shall make a reasonable effort to
16 provide notice to an individual or an individual's legally
17 authorized representative of the inclusion of the individual's
18 immunization history in the registry under this section if the
19 consent required under Subsection (f) has not been obtained before
20 expiration of the period prescribed by Subsection (e). The
21 reasonable effort shall include at least two attempts by the
22 department to provide the notice required by this subsection by
23 telephone or e-mail, or by regular mail to the last known address of
24 the individual or the individual's legally authorized
25 representative. The notice must inform the individual or the
26 individual's legally authorized representative that the
27 individual's immunization records collected under this section

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

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

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

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

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

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

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

26 (b) A first responder may withdraw consent provided under
27 Subsection (a)(1) at any time.

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

5 SECTION 4. Subchapter A, Chapter 161, Health and Safety
6 Code, is amended by adding Section 161.00709 to read as follows:

7 Sec. 161.00709. EXCLUSION REQUEST THROUGH SECURE INTERNET
8 PORTAL. The department shall develop and maintain a secure
9 Internet portal accessible through the department's Internet
10 website through which an individual or the individual's legally
11 authorized representative may request exclusion of the
12 individual's immunization records from the registry in accordance
13 with Section 161.0071(f).

14 SECTION 5. Section 161.0071, Health and Safety Code, is
15 amended by adding Subsection (f) to read as follows:

16 (f) An individual or the individual's legally authorized
17 representative may request exclusion of the individual's
18 immunization records from the registry through a secure Internet
19 portal accessed through the department's Internet website.

20 SECTION 6. Section 161.00735(e), Health and Safety Code, is
21 amended to read as follows:

22 (e) The [~~executive commissioner by rule shall determine the~~
23 ~~period during which the~~] information collected under Subsection (c)
24 must remain in the immunization registry until the seventh
25 anniversary of the last day [~~following the end~~] of the disaster.

26 SECTION 7. Section 161.008, Health and Safety Code, is
27 amended by amending Subsections (c) and (d) and adding Subsection

1 (c-1) to read as follows:

2 (c) The department may obtain the data constituting an
3 immunization record for an individual from a public health
4 district, a local health department, the individual or the
5 individual's legally authorized representative, a physician to the
6 individual, a payor, or any health care provider licensed or
7 otherwise authorized to administer vaccines.

8 (c-1) Except as provided by Section 161.00705, the [The]
9 department shall verify consent before including the reported
10 information in the immunization registry. The department may not
11 retain individually identifiable information about an individual
12 for whom consent cannot be verified.

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

- 15 (1) any entity that is described by Subsection (c);
16 (2) a school or child care facility in which the
17 individual is enrolled;
18 (3) a state agency having legal custody of the
19 individual; or
20 (4) an employer of a first responder, ~~[or]~~ a first
21 responder, or an immediate family member of a first responder in
22 accordance with Section 161.00708.

23 SECTION 8. Section 161.0107, Health and Safety Code, is
24 amended by amending Subsection (c) and adding Subsection (e) to
25 read as follows:

- 26 (c) The executive commissioner by rule shall specify:
27 (1) the fields necessary to populate the immunization

1 registry, including a "yes" or "no" field that indicates the
2 patient's consent to be listed in the immunization registry has
3 been obtained; and

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

6 (e) The fields and data standards described by Subsection
7 (c) relating to a patient's consent may not include demographic
8 information of the patient.

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

11 SECTION 10. As soon as practicable after the effective date
12 of this Act, the Department of State Health Services shall develop
13 the secure Internet portal required by Section 161.00709, Health
14 and Safety Code, as added by this Act.

15 SECTION 11. This Act takes effect September 1, 2023.