

By: Olcott

H.B. No. 2872

A BILL TO BE ENTITLED

AN ACT

relating to the release or disclosure of vaccination or immunization information; providing a civil penalty.

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

SECTION 1. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0093 to read as follows:

Sec. 161.0093. PROHIBITED RELEASE OR DISCLOSURE OF VACCINATION OR IMMUNIZATION INFORMATION; EXCEPTIONS; CIVIL PENALTY. (a) In this section, "health authority" has the meaning assigned by Section 81.003.

(b) An employee or agent of the department or a health authority may not release or otherwise disclose to any person an individual's vaccination or immunization information the department or health authority receives unless:

(1) the department or health authority, as applicable, obtains the written or electronic consent of the individual or the individual's legally authorized representative;

(2) the employee or agent releases or discloses the information to a health care provider in accordance with applicable state and federal laws relating to the privacy, protection, confidentiality, and transmission of health information; or

(3) the release or disclosure is otherwise authorized by this subchapter.

(c) A person who obtains an individual's vaccination or

1 immunization information under this subchapter may not release or  
2 otherwise disclose the information to a third party, including  
3 under a contract or subcontract, for the purpose of encouraging  
4 individuals to obtain a vaccine or to provide educational materials  
5 on a vaccine.

6 (d) A person who releases or discloses vaccination or  
7 immunization information in violation of Subsection (b) or (c) is  
8 liable to this state for a civil penalty in an amount of not less  
9 than \$2,000 and not more than \$50,000 for each violation. The  
10 attorney general may bring an action to collect the civil penalty  
11 imposed under this subsection.

12 SECTION 2. Sections 161.007(a) and (j), Health and Safety  
13 Code, are amended to read as follows:

14 (a) The department, for the primary purpose of establishing  
15 and maintaining a single repository of accurate, complete, and  
16 current immunization records to be used in aiding, coordinating,  
17 and promoting efficient and cost-effective communicable disease  
18 prevention and control efforts, shall establish and maintain an  
19 immunization registry. The executive commissioner by rule shall  
20 develop guidelines to:

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

23 (2) inform the individual or the individual's legally  
24 authorized representative about the registry [~~and that registry~~  
25 ~~information may be released under Section 161.00735~~];

26 (3) require the written or electronic consent of the  
27 individual or the individual's legally authorized representative

1 before any information relating to the individual is included in  
2 the registry;

3 (4) permit the individual or the individual's legally  
4 authorized representative to withdraw consent for the individual to  
5 be included in the registry; and

6 (5) determine the process by which consent is  
7 verified, including affirmation by a health care provider, birth  
8 registrar, regional health information exchange, or local  
9 immunization registry that consent has been obtained.

10 (j) Except as provided by Sections 161.00705, 161.00706,  
11 [~~161.00735(b)~~], and 161.008, information obtained by the  
12 department for the immunization registry is confidential and may be  
13 disclosed only with the written or electronic consent of the  
14 individual or the individual's legally authorized representative.

15 SECTION 3. Section 161.00705(g), Health and Safety Code, is  
16 amended to read as follows:

17 (g) The immunization information of a child or other  
18 individual received by the department under this section, including  
19 individually identifiable information, may be released only:

20 (1) on consent of the individual or, if a child, the  
21 child's parent, managing conservator, or guardian; or

22 (2) to a [~~state agency or~~] health care provider  
23 consistent with the purposes of this subchapter or the purposes of  
24 aiding or coordinating communicable disease prevention and control  
25 efforts during a declared disaster, public health emergency,  
26 terrorist attack, hostile military or paramilitary action, or  
27 extraordinary law enforcement emergency.

1 SECTION 4. Sections 161.00706(c) and (d), Health and Safety  
2 Code, are amended to read as follows:

3 (c) The executive commissioner shall:

4 (1) develop rules to ensure that immunization history  
5 submitted under Subsection (a)(2) is medically verified  
6 immunization information;

7 (2) develop guidelines for use by the department in  
8 informing first responders about the registry [~~and that registry  
9 information may be released under Section 161.00735~~]; and

10 (3) adopt rules necessary for the implementation of  
11 this section.

12 (d) A [~~Except as provided by Section 161.00735, a~~] person's  
13 immunization history or data received by the department under this  
14 section may be released only on consent of the person or to any  
15 health care provider licensed or otherwise authorized to administer  
16 vaccines.

17 SECTION 5. Section 161.0071(a), Health and Safety Code, is  
18 amended to read as follows:

19 (a) The first time the department receives registry data for  
20 an individual for whom the department has received consent to be  
21 included in the registry, the department shall send notice to the  
22 individual or the individual's legally authorized representative  
23 disclosing:

24 (1) that providers and payors may be sending the  
25 individual's immunization information to the department;

26 (2) the information that is included in the registry;

27 (3) the persons to whom the information may be

1 released under Section [~~Sections 161.00735(b) and~~] 161.008(d);

2 (4) the purpose and use of the registry;

3 (5) the procedure to exclude an individual from the  
4 registry; and

5 (6) the procedure to report a violation if an  
6 individual's information is included in the registry after  
7 exclusion has been requested or consent has been withdrawn.

8 SECTION 6. Section 161.0073(a), Health and Safety Code, is  
9 amended to read as follows:

10 (a) Except as provided by Section [~~Sections~~] 161.00705 [~~and~~  
11 ~~161.00735~~], information that individually identifies an individual  
12 that is received by the department for the immunization registry is  
13 confidential and may be used by the department for registry  
14 purposes only.

15 SECTION 7. The heading to Section 161.00735, Health and  
16 Safety Code, is amended to read as follows:

17 Sec. 161.00735. [~~RELEASE AND~~] RECEIPT OF REGISTRY DATA IN  
18 DISASTER.

19 SECTION 8. Section 161.00735(h), Health and Safety Code, is  
20 amended to read as follows:

21 (h) The executive commissioner shall make every effort to  
22 enter into a memorandum of agreement with each state from [~~to~~] which  
23 residents of that [~~this~~] state are likely to evacuate to this state  
24 in a disaster on[+]

25 [~~(1) the release and use of registry information under~~  
26 ~~this section to the appropriate health authority or local health~~  
27 ~~authority of that state, including the length of time the~~

1 ~~information may be retained by that state, and~~

2           ~~[(2)]~~ the receipt and use of information submitted by  
3 the health authority or local health authority of that state for  
4 inclusion in the registry under this section.

5           SECTION 9. Section 161.0075, Health and Safety Code, is  
6 amended to read as follows:

7           Sec. 161.0075. IMMUNITY FROM LIABILITY. Except as provided  
8 by Sections ~~[Section]~~ 161.009 and 161.0093, the following persons  
9 subject to this subchapter that act in compliance with Sections  
10 161.007, 161.00705, 161.00706, 161.0071, 161.0073, 161.0074, and  
11 161.008 are not civilly or criminally liable for furnishing the  
12 information required under this subchapter:

- 13           (1) a payor;
- 14           (2) a health care provider who administers  
15 immunizations; and
- 16           (3) an employee of the department.

17           SECTION 10. Section 161.008(d), Health and Safety Code, is  
18 amended to read as follows:

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

21           (1) a health care provider treating the individual or  
22 an organization of which the individual is a member ~~[any entity that~~  
23 ~~is described by Subsection (c)]~~; or

24           ~~(2) [a school or child care facility in which the~~  
25 ~~individual is enrolled,~~

26           ~~[(3) a state agency having legal custody of the~~  
27 ~~individual, or~~

1            [~~4~~] an employer of a first responder or a first  
2 responder in accordance with Section 161.00708.

3            SECTION 11. Section 161.00735(b), Health and Safety Code,  
4 is repealed.

5            SECTION 12. The changes in law made by this Act apply only  
6 to the release or disclosure of information on or after the  
7 effective date of this Act. The release or disclosure of  
8 information before the effective date of this Act is governed by the  
9 law in effect when the release or disclosure was made, and the  
10 former law is continued in effect for that purpose.

11            SECTION 13. This Act takes effect September 1, 2025.