

By: Kolkhorst

S.B. No. 1188

A BILL TO BE ENTITLED

AN ACT

relating to electronic health record requirements.

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

SECTION 1. Subtitle I, Title 2, Health and Safety Code, is amended by adding Chapter 183 to read as follows:

CHAPTER 183. ELECTRONIC HEALTH RECORDS

Sec. 183.001. DEFINITIONS. In this chapter:

(1) "Biological sex" means the biological trait that determines whether a sexually reproducing organism produces male or female gametes.

(2) "Female" means an individual whose reproductive system is developed to produce ova.

(3) "Governmental entity" means this state, an agency of the executive, legislative, or judicial branch of state government, or a political subdivision of this state. The term includes a local health department.

(4) "Health care practitioner" means an individual who is licensed, certified, or otherwise authorized to provide health care services in this state.

(5) "Male" means an individual whose reproductive system is developed to produce sperm.

(6) "Medical facility" means:

(A) a facility licensed or registered by a state agency to provide medical care and other health care services; or

1 (B) a health care facility in this state that
2 provides medical care and other health care services and that
3 receives reimbursement under the state Medicaid program or receives
4 any other state funding, including pass-through federal money
5 provided to a state agency for grant awards.

6 (7) "Sexual development disorder" means a congenital
7 condition associated with atypical development of internal or
8 external genital structures. The term includes a chromosomal,
9 gonadal, and anatomic abnormality.

10 Sec. 183.002. REQUIREMENTS FOR ELECTRONIC HEALTH RECORD
11 STORAGE. (a) Each medical facility, health care practitioner, and
12 governmental entity shall store all electronic health record
13 information of residents of this state only at a location in the
14 United States.

15 (b) Each medical facility, health care practitioner, and
16 governmental entity shall ensure electronic health record
17 information of residents of this state, other than open data, is
18 inaccessible to any person located outside of the United States.

19 Sec. 183.003. REQUIRED MEDICAL HISTORY INFORMATION IN
20 ELECTRONIC HEALTH RECORD. A medical facility, health care
21 practitioner, or governmental entity shall ensure each electronic
22 health record maintained for an individual includes the
23 individual's medical history and any communications between the
24 practitioner and a specialty health care practitioner related to
25 the individual's metabolic health and diet in the treatment of a
26 chronic disease or illness.

27 Sec. 183.004. INFORMATION RESTRICTIONS IN ELECTRONIC

1 HEALTH RECORD. A medical facility, health care practitioner, or
2 governmental entity may not collect or store any information
3 regarding an individual's credit score or voter registration status
4 in the individual's electronic health record.

5 Sec. 183.005. ARTIFICIAL INTELLIGENCE IN ELECTRONIC HEALTH
6 RECORD. A health care practitioner who uses artificial
7 intelligence for diagnostic or other purposes, including the use of
8 artificial intelligence for recommendations on a diagnosis or
9 course of treatment based on a patient's medical record, shall
10 review all information obtained through the artificial
11 intelligence process to ensure the accuracy of the information for
12 that patient before entering the information in the patient's
13 electronic health record.

14 Sec. 183.006. ACCESS TO ELECTRONIC HEALTH RECORD OF MINOR.
15 (a) In this section, "minor" means an individual under 18 years of
16 age who has not had the disabilities of minority removed for general
17 purposes.

18 (b) A medical facility, health care practitioner, or
19 governmental entity shall ensure each electronic health record
20 system the facility, practitioner, or entity uses to store
21 electronic health records of minors automatically allows a minor's
22 parent, guardian, or conservator to fully access the minor's
23 electronic health record unless access to all or a portion of the
24 record is restricted under state or federal law or by a court order.

25 Sec. 183.007. ELECTRONIC HEALTH RECORD REQUIREMENTS
26 REGARDING BIOLOGICAL SEX. (a) Notwithstanding any other law, the
27 commission, the Texas Medical Board, and the Texas Department of

1 Insurance shall jointly ensure that:

2 (1) each electronic health record prepared or
3 maintained by a medical facility, health care practitioner, or
4 governmental entity in this state includes a separate space for the
5 health care practitioner to document:

6 (A) an individual's biological sex as either male
7 or female based on the individual's observed biological sex
8 recorded by a health care practitioner at birth; and

9 (B) information on any sexual development
10 disorder of the individual, whether identified at birth or later in
11 the individual's life; and

12 (2) any algorithm or decision assistance tool included
13 in an electronic health record to assist a health care practitioner
14 in making medical treatment decisions is based on an individual's
15 biological sex as recorded in the space described by Subdivision
16 (1)(A).

17 (b) This section does not prohibit an electronic health
18 record from including spaces for recording other information
19 related to an individual's biological sex or gender identity.

20 Sec. 183.008. AMENDING CERTAIN BIOLOGICAL SEX INFORMATION
21 IN ELECTRONIC HEALTH RECORDS. (a) A medical facility, health care
22 practitioner, or governmental entity may amend on an electronic
23 health record an individual's biological sex as recorded in the
24 space described by Section 183.007(a)(1)(A) only if:

25 (1) the amendment is to correct a clerical error; or

26 (2) the individual is diagnosed with a sexual
27 development disorder and the amendment changes the individual's

1 listed biological sex to the opposite biological sex.

2 (b) If an individual's biological sex is amended under
3 Subsection (a)(2), the medical facility, health care practitioner,
4 or governmental entity shall include in the individual's electronic
5 health record information on the individual's sexual development
6 disorder in the space described by Section 183.007(a)(1)(B).

7 Sec. 183.009. DISCIPLINARY ACTION BY LICENSING AGENCY;
8 MEDICAID REIMBURSEMENT INELIGIBILITY. (a) The appropriate state
9 licensing agency may take disciplinary action against a medical
10 facility or health care practitioner that violates this chapter as
11 if the medical facility or health care practitioner violated an
12 applicable licensing law.

13 (b) The commission may not provide Medicaid reimbursement
14 to a medical facility or health care practitioner that violates
15 this chapter and shall disenroll the medical facility or health
16 care practitioner from participation as a Medicaid provider.

17 Sec. 183.010. RULES. The commission, the Texas Medical
18 Board, and the Texas Department of Insurance shall adopt rules as
19 necessary to implement this chapter.

20 SECTION 2. (a) Except as provided by Subsection (b) of this
21 section, Chapter 183, Health and Safety Code, as added by this Act,
22 applies only to an electronic health record prepared on or after the
23 effective date of this Act.

24 (b) Section 183.002, Health and Safety Code, as added by
25 this Act, applies to the storage of an electronic health record on
26 or after January 1, 2026, regardless of the date on which the
27 electronic health record was prepared.

1 SECTION 3. This Act takes effect September 1, 2025.