

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 502

BY FERCH

AN ACT

RELATING TO IMMUNIZATION; AMENDING SECTION 39-4803, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IMMUNIZATION REGISTRY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4803, Idaho Code, be, and the same is hereby amended to read as follows:

39-4803. IMMUNIZATION REGISTRY. (1) The department of health and welfare shall provide for the establishment of a voluntary registry of the immunization status of Idaho children against childhood diseases. The registry shall be maintained and its data disclosed as set out herein to further the following purposes:

(a) To make immunizations readily available to every Idaho citizen that desires to have their child immunized;

(b) To increase the voluntary immunization rate in Idaho to the maximum extent possible without mandating such immunizations; and

(c) To recognize and respect the rights of parents and guardians to make health care decisions for their children; and

~~(d) To provide for timely reminders to parents of children in the registry.~~

(2) The name of a child and information relating to the immunization status of that child ~~shall~~ may be collected and included in the registry ~~unless if~~ a parent, guardian, or other person legally responsible for the care of the child chooses ~~not~~ to have the child included in the registry ~~upon a specified written statement. Such statement may not be part of a general authorization or release.~~ The registry shall contain the following information for each child:

(a) The child's name, address and birth date;

(b) The name and address of each parent of the child;

(c) The month, day, year and type of each immunization that has been administered to the child;

(d) The name, address and phone number of each provider that has administered an immunization to the child;

(e) If requested by a parent or guardian, any statement made pursuant to subsection (4) of this section; and

(f) Other information as authorized or requested by a parent or guardian.

(3) The department of health and welfare shall ~~only~~ disclose information relating to an individual child in the registry only to the following upon a specific request:

(a) Employees of the health district in which the child resides or seeks medical services;

1 (b) Health records staff of the school or school district in which the
2 child is enrolled;

3 (c) The operator of a licensed daycare facility in which the child is
4 enrolled;

5 (d) Persons who are legally responsible for the long-term care of the
6 child, including operators of licensed ICF/ID's and residential or as-
7 sisted living facilities, adoptive and foster parents and a guardian
8 appointed pursuant to chapter 5, title 15, Idaho Code;

9 (e) Any health care provider rendering treatment to the child, and the
10 provider's agents;

11 (f) Any person possessing a lawful release, properly executed by the
12 child's parent or guardian;

13 (g) A parent of the child;

14 (h) Any hospital where the child is receiving care; or

15 (i) The Idaho health data exchange.

16 (4) A parent or guardian of the child shall have free and open access to
17 all information in the registry that relates to their child or themselves.
18 Upon the written request of a parent or guardian, the department of health
19 and welfare shall:

20 (a) Cause all information relating to the child to be removed from the
21 registry;

22 (b) Include in the registry the statement of a physician or parent pur-
23 suant to section 39-4802 (2) or 39-1118 (2), Idaho Code.

24 (5) All information contained in the registry or disclosed from it is
25 confidential and may not be sold and may ~~only~~ be disclosed only as specifi-
26 cally authorized in this section. A person or entity to whom information is
27 disclosed from the registry may not thereafter disclose it to others except
28 in accordance with state and federal laws applicable to the use of protected
29 health information. Any person who discloses or authorizes disclosure of
30 any information contained in the registry, except as authorized in this sec-
31 tion, is guilty of a misdemeanor and is liable for civil damages in the amount
32 of one hundred dollars (\$100) for each violation.

33 SECTION 2. An emergency existing therefor, which emergency is hereby
34 declared to exist, this act shall be in full force and effect on and after
35 July 1, 2022.