

IN THE SENATE

SENATE BILL NO. 1335, As Amended in the House

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO IMMUNIZATION; AMENDING SECTION 39-4803, IDAHO CODE, TO REMOVE  
2 A CERTAIN AUTHORIZATION REQUIREMENT FOR INCLUSION IN THE REGISTRY, TO  
3 PROVIDE FOR EXCLUSION FROM THE REGISTRY UPON A CERTAIN STATEMENT THAT  
4 MAY NOT BE PART OF A GENERAL AUTHORIZATION OR RELEASE, TO CLARIFY THE  
5 PURPOSES FOR WHICH THE REGISTRY SHALL BE MAINTAINED AND FOR WHICH THE  
6 REGISTRY INFORMATION SHALL BE DISCLOSED, TO CLARIFY THAT CERTAIN INFOR-  
7 MATION SHALL BE INCLUDED IN THE REGISTRY AND TO CLARIFY THAT DISCLOSURE  
8 OF REGISTRY INFORMATION SHALL BE LIMITED TO CERTAIN PERSONS; AND AMEND-  
9 ING SECTION 39-4804, IDAHO CODE, TO REVISE NOTIFICATION REQUIREMENTS  
10 AND TO PROVIDE THAT CERTAIN DECISIONS OF THE PARENT OR GUARDIAN SHALL  
11 NOT BE USED AGAINST THE PARENT OR GUARDIAN IN CERTAIN ACTIONS.  
12

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

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

16 39-4803. IMMUNIZATION REGISTRY. (1) The department of health and wel-  
17 fare shall provide for the establishment of a voluntary registry of the immu-  
18 nization status of Idaho children against childhood diseases. The registry  
19 ~~may shall~~ be maintained and its data disclosed as set out herein to further  
20 the following purposes:

- 21 (a) To make immunizations readily available to every Idaho citizen that  
22 desires to have their child immunized;  
23 (b) To increase the voluntary immunization rate in Idaho to the maximum  
24 extent possible without mandating such immunizations;  
25 (c) To recognize and respect the rights of parents and guardians to make  
26 health care decisions for their children; and  
27 (d) To provide for timely reminders to parents of children in the reg-  
28 istry.

29 (2) The name of a child ~~or~~ and information relating to the immunization  
30 status of that child ~~may shall~~ be collected ~~or~~ and included in the registry  
31 ~~only upon the separate and specific written authorization of~~ unless a par-  
32 ent, guardian or other person legally responsible for the care of the child  
33 chooses not to have the child included in the registry upon a specified writ-  
34 ten statement. Such ~~authorization statement~~ may not be part of a general au-  
35 thorization or release. The registry ~~may shall~~ contain ~~only~~ the following  
36 information for each child:

- 37 (a) The child's name, address and birth date;  
38 (b) The name and address of each parent of the child;  
39 (c) The month, day, year and type of each immunization that has been ad-  
40 ministered to the child;  
41 (d) The name, address and phone number of each provider that has admin-  
42 istered an immunization to the child;

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

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

5 (3) The department of health and welfare ~~may~~ shall only disclose infor-  
6 mation relating to an individual child in the registry to the following upon  
7 a specific request:

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

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

12 (c) The operator of a licensed ~~child~~ daycare facility in which the child  
13 is enrolled;

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

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

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

22 (g) A parent of the child; or

23 (h) Any hospital where the child is receiving care.

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

28 (a) Cause all information relating to the child to be removed from the  
29 registry and any databases or files of other entities or persons to  
30 which information in the database has been disclosed;

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

33 (5) All information contained in the registry or disclosed from it is  
34 confidential and may not be sold and may only be disclosed as specifically  
35 authorized in this section. A person or entity to whom information is dis-  
36 closed from the registry may not thereafter disclose it to others. Any per-  
37 son who discloses or authorizes disclosure of any information contained in  
38 the registry, except as authorized in this section is guilty of a misdemeanor  
39 and is liable for civil damages in the amount of one hundred dollars (\$100)  
40 for each violation.

41 SECTION 2. That Section 39-4804, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 39-4804. NOTIFICATION TO PARENT OR GUARDIAN. (1) Before an immuniza-  
44 tion is administered to any child in this state, the parent or guardian of the  
45 child shall be notified that:

46 ~~(1a)~~ Immunizations are not mandatory and may be refused on religious or  
47 other grounds;

48 ~~(2b)~~ Participation in the immunization registry is voluntary;

1       ~~(3c)~~ The parent or guardian is entitled to an accurate explanation of  
2 the complications known to follow such immunization.

3       (2) At the time information is initially collected regarding any child  
4 for entry into the registry created pursuant to this chapter, the parent or  
5 guardian shall be notified that:

6       (a) They have the right under Idaho law to submit a statement pursuant  
7 to the provisions of sections 39-1118 and 39-4802, Idaho Code, which ex-  
8 empts them from any requirement to have information regarding the child  
9 entered into the registry;

10       (b) At any time they have the right to remove any information from the  
11 registry regarding the child; and

12       (c) Immunizations are not mandatory and may be refused on religious or  
13 other grounds.

14       (3) The decision of a parent or guardian to:

15       (a) Submit a statement pursuant to the provisions of either section  
16 39-1118(2) or 39-4802(2), Idaho Code;

17       (b) Remove any information regarding the child from the registry pur-  
18 suant to the provisions of section 39-4803(4), Idaho Code; or

19       (c) Refuse the immunization on religious or other grounds;

20 shall not be used in any manner against the interests of the parent or  
21 guardian in any administrative, civil or criminal action.