

IN THE SENATE

SENATE BILL NO. 1121

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE IMMUNIZATION REGISTRY; AMENDING SECTION 39-4803, IDAHO  
2 CODE, TO PROVIDE THAT CERTAIN INFORMATION MAY BE SHARED WITH THE IDAHO  
3 HEALTH DATA EXCHANGE, TO REVISE LANGUAGE RELATING TO REMOVAL OF INFOR-  
4 MATION, TO PROVIDE THAT INFORMATION MAY ONLY BE DISCLOSED IN ACCORDANCE  
5 WITH CERTAIN LAWS AND TO MAKE A TECHNICAL CORRECTION.  
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7 Be It Enacted by the Legislature of the State of Idaho:

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

10 39-4803. IMMUNIZATION REGISTRY. (1) The department of health and wel-  
11 fare shall provide for the establishment of a voluntary registry of the immu-  
12 nization status of Idaho children against childhood diseases. The registry  
13 shall be maintained and its data disclosed as set out herein to further the  
14 following purposes:

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

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

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

21 (d) To provide for timely reminders to parents of children in the reg-  
22 istry.

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

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

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

32 (c) The month, day, year and type of each immunization that has been ad-  
33 ministered to the child;

34 (d) The name, address and phone number of each provider that has admin-  
35 istered an immunization to the child;

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

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

40 (3) The department of health and welfare shall only disclose informa-  
41 tion relating to an individual child in the registry to the following upon a  
42 specific request:

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

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

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

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

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

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

15 (g) A parent of the child; ~~or~~

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

17 (i) The Idaho health data exchange.

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

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

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

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