

IN THE SENATE

SENATE BILL NO. 1335

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO IMMUNIZATION; AMENDING SECTION 39-4803, IDAHO CODE, TO REMOVE
2 LANGUAGE REGARDING A VOLUNTARY IMMUNIZATION REGISTRY, TO REMOVE A
3 CERTAIN AUTHORIZATION REQUIREMENT FOR INCLUSION IN THE REGISTRY, TO
4 PROVIDE FOR EXCLUSION FROM THE REGISTRY UPON A CERTAIN STATEMENT THAT
5 MAY NOT BE PART OF A GENERAL AUTHORIZATION OR RELEASE, TO CLARIFY THE
6 PURPOSES FOR WHICH THE REGISTRY SHALL BE MAINTAINED AND FOR WHICH
7 THE REGISTRY INFORMATION SHALL BE DISCLOSED, TO CLARIFY THAT CERTAIN
8 INFORMATION SHALL BE INCLUDED IN THE REGISTRY AND TO CLARIFY THAT
9 DISCLOSURE OF REGISTRY INFORMATION SHALL BE LIMITED TO CERTAIN PERSONS.
10

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

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

14 39-4803. IMMUNIZATION REGISTRY. (1) The department of health and
15 welfare shall provide for the establishment of a ~~voluntary~~ registry of the
16 immunization status of Idaho children against childhood diseases. The
17 registry ~~may shall~~ be maintained and its data disclosed as set out herein to
18 further the following purposes:

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

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

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

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

27 (2) The name of a child ~~or and~~ information relating to the immunization
28 status of that child ~~may shall~~ be collected ~~or and~~ included in the registry.
29 ~~only upon the separate and specific written authorization of a A parent,~~
30 guardian or other person legally responsible for the care of the child ~~may~~
31 refuse to have the child included in the registry upon a specified written
32 statement. Such ~~authorization statement~~ may not be part of a general
33 authorization or release. The registry ~~may shall~~ contain ~~only~~ the following
34 information for each child:

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (g) A parent of the child; or

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

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

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

29 (b) Include in the registry the statement of a physician or parent
30 pursuant to section 39-4802(2) or 39-1118(2), Idaho Code.

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