



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 47 be amended to read as follows:

- 1       Page 1, between the enacting clause, and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 16-38-5-2, AS AMENDED BY P.L.2-2014,
- 4       SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection ~~(e)~~;
- 6       **(d)**, a provider, a physician's designee, a pharmacist's designee, or a
- 7       person approved by the state department may provide immunization
- 8       data to the immunization data registry in a manner prescribed by the
- 9       state department and for the purposes allowed under this chapter.
- 10       (b) ~~This subsection takes effect July 1, 2015.~~ Except as provided in
- 11       subsections (c), **(d)**, and ~~(e)~~; **(f)**, a provider who is licensed under IC 25
- 12       and who is authorized within the provider's scope of practice to
- 13       administer immunizations or the provider's designee shall
- 14       electronically provide immunization data to the immunization data
- 15       registry for all immunizations administered to individuals who are less
- 16       than nineteen (19) years of age:
- 17       (1) not later than seven (7) business days after providing the
- 18       immunization;
- 19       (2) in a manner prescribed by the state department, after
- 20       reasonable notice; and
- 21       (3) for the purposes allowed under this chapter.

1           **(c) A provider may only provide immunization data under this**  
 2 **chapter if the individual being immunized has signed an**  
 3 **authorization expressly authorizing the provider to provide the**  
 4 **individual's immunization data to the immunization data registry.**

5           ~~(c)~~ **(d)** A person is exempt from providing immunization data to the  
 6 immunization data registry if:

7           (1) the patient or the patient's parent or guardian, if the patient is  
 8 less than eighteen (18) years of age, has completed and filed a  
 9 written immunization data exemption form with either the person  
 10 who provides the immunization or the state department; or

11           (2) the patient is a resident of or is receiving services from a  
 12 facility licensed under IC 16-28.

13           ~~(d)~~ **(e)** The minimum immunization data that must be provided  
 14 under subsection (b) are the following:

15           (1) Patient identification number.

16           (2) Patient first and last name.

17           (3) Patient date of birth.

18           (4) Patient address.

19           (5) Patient race.

20           (6) Patient gender.

21           (7) Vaccine for Children program eligibility, if the patient is  
 22 eligible for the Vaccine for Children program.

23           (8) Dose at the administration level under the Vaccine for  
 24 Children program, if the patient is eligible for the Vaccine for  
 25 Children program.

26           (9) Vaccination presentation or vaccination code using approved  
 27 Immunization Information System (IIS) code type.

28           (10) Vaccination date administered.

29           (11) Lot number of the administered vaccine.

30           The state department may expand or modify the list of minimum  
 31 immunization data that must be provided under this section based on  
 32 Centers for Disease Control Immunization Information System (IIS)  
 33 minimum field requirements.

34           ~~(e)~~ **(f)** A provider who is unable to electronically provide  
 35 immunization data to the immunization data registry by July 1, 2015,  
 36 shall submit a detailed plan for compliance with the requirements of  
 37 subsection (b) to the state department no later than March 31, 2015.

38           The state department will assist the provider so the provider is able to  
 39 electronically provide immunization data in a reasonable amount of  
 40 time.

41           ~~(f)~~ **(g)** The state department shall create and provide copies of  
 42 immunization data exemption forms to:

43           (1) providers who are:

44           (A) licensed under IC 25; and

45           (B) authorized within the provider's scope of practice to  
 46 administer immunizations; and

1 (2) individuals;  
2 who request the form.

3 ~~(g)~~ **(h)** The state department shall distribute, upon request, written  
4 information to be disseminated to patients that describes the  
5 immunization data registry. The written information must include the  
6 following:

7 (1) That, beginning July 1, 2015, the provider is required to report  
8 immunization data to the immunization data registry.

9 (2) That the patient or the patient's parent or guardian, if the  
10 patient is less than eighteen (18) years of age, has a right to  
11 exempt disclosure of immunization data to the registry and may  
12 prevent disclosure by signing an immunization data exemption  
13 form.

14 (3) That the patient or the patient's parent or guardian, if the  
15 patient is less than eighteen (18) years of age, may have the  
16 individual's information removed from the immunization data  
17 registry.

18 (4) Instructions on how to have the information removed.

19 SECTION 2. IC 16-38-5-4 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) An entity  
21 described in section 3(c) of this chapter, the state department, or an  
22 agent of the state department who in good faith provides or receives  
23 immunization information is immune from civil and criminal liability  
24 for the following:

25 (1) Providing information to the immunization data registry.

26 (2) Using the immunization data registry information to verify  
27 that a patient or child has received proper immunizations.

28 (3) Using the immunization data registry information to inform a  
29 patient or the child's parent or guardian:

30 (A) of the patient's or child's immunization status; or

31 (B) that an immunization is due according to recommended  
32 immunization schedules.

33 (b) A person who knowingly, intentionally, or recklessly discloses  
34 confidential information contained in the immunization data registry in  
35 violation of this chapter commits a Class A misdemeanor. **The court**  
36 **shall order a person convicted under this subsection to pay a fine**  
37 **of at least fifty thousand dollars (\$50,000) and not more than two**  
38 **hundred fifty thousand dollars (\$250,000).**

39 (c) **An individual may bring an action against a person for**  
40 **disclosing confidential information. The individual must**  
41 **demonstrate by a preponderance of the evidence that the person**  
42 **has violated subsection (b) and the individual is a victim. A**  
43 **prevailing individual is entitled to damages that the court considers**  
44 **to be proper.**

45 SECTION 3. IC 16-40-6 IS ADDED TO THE INDIANA CODE AS  
46 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON

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PASSAGE]:

**Chapter 6. Immunization Eligibility Information**

**Sec. 1. A physician or an employee of a physician, physician group, hospital, or other health care provider may not:**

**(1) disclose an individual's eligibility for a vaccination or immunization; or**

**(2) add an individual's name to a vaccination or immunization registry or contact list that is administered by:**

**(A) a state agency;**

**(B) a federal agency;**

**(C) a pharmacy;**

**(D) a health clinic; or**

**(E) a vaccination or immunization distribution site;**

**without the express signed authorization of the individual.**

**Sec. 2. (a) A person who knowingly, intentionally, or recklessly violates section 1 of this chapter commits a Class A misdemeanor. The court shall order a person convicted under this subsection to pay a fine of at least fifty thousand dollars (\$50,000) and not more than two hundred fifty thousand dollars (\$250,000).**

**(b) An individual may bring an action against a person for disclosing confidential information. The individual must demonstrate by a preponderance of the evidence that the person has violated subsection (a) and that the individual is a victim. A prevailing individual is entitled to damages that the court considers to be proper."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 47 as printed March 11, 2021.)

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Representative Jacob