

HB0117S03 compared with HB0117

~~text~~ shows text that was in HB0117 but was deleted in HB0117S03.

text shows text that was not in HB0117 but was inserted into HB0117S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jordan D. Teuscher proposes the following substitute bill:

VACCINE REPORTING REQUIREMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill implements reporting requirements for vaccine information.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~requires~~ prohibits a business from requiring a ~~vaccine provider to register with~~ vaccination verification from the Utah Statewide Immunization Information System (USIIS) ~~and~~ before providing services;
- ▶ requires a vaccine provider to report vaccine information;
- ▶ allows ~~a school to provide an immunization record to USHS; and~~
- ▶ ~~makes technical and conforming changes~~ an individual to opt out of having vaccine information shared with the USIIS; and

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- ▶ requires the Department of Health to assist a vaccine provider with providing vaccine information to USIIS.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{26-1-17.5}~~13-7a-101, as ~~{last amended}~~enacted by Laws of Utah 2018, Chapter ~~{415}~~130

13-7a-102, as enacted by Laws of Utah 2018, Chapter 130

ENACTS:

13-7a-104, Utah Code Annotated 1953

26-3-2.6, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 13-7a-101 is amended to read:

CHAPTER 7a. BODILY HEALTH PROTECTION ACT

13-7a-101. Title.

This chapter is known as ~~["Breastfeeding Protection Act."]~~ "Bodily Health Protection Act."

Section 2. Section 13-7a-102 is amended to read:

13-7a-102. Definitions.

As used in this chapter:

(1) (a) "Breastfeeding" means the act of a woman breastfeeding a child.

~~{(2)}~~(b) "Breastfeeding" includes lactation.

(2) "Place of public accommodation" means the same as that term is defined in Section 13-7-2.

Section ~~{1}~~3. Section ~~{26-1-17.5}~~13-7a-104 is ~~{amended}~~enacted to read:

~~{~~26-1-17.5. Confidential records:

~~(1) As used in this section, "immunization record" means the same as that term is}~~

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13-7a-104. Vaccine information protection.

(1) As a condition for receiving services or employment, an entity regulated by the state or a place of public accommodation, including an airline, may not require a patron or an employee to provide a vaccination verification from USIIS as defined in Section 53G-9-301.

~~[(1)] (2) A record classified as confidential under this title shall remain confidential, and be released according to the provisions of this title, notwithstanding Section 63G-2-310.~~

~~[(2)] (3) In addition to those persons granted access to a private record,~~ 26-3-2.6.

(2) Nothing in this section prevents an entity described in Subsection 63G-2-302(1)(b), schools, school districts, and local and state health departments and the state Department of Human Services may share an immunization record as defined in Section 53G-9-301 or any other record relating to a vaccination or immunization as necessary:

~~— (a) to ensure compliance with Title 53G, Chapter 8, Part 3, Physical Restraint of Students[,]; and~~

~~— (b) to prevent, investigate, and control the causes of epidemic, infectious, communicable, and other diseases affecting the public health.~~

~~— (4) Subject to Title 53E, Chapter 9, Student Privacy and Data Protection, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, a school may register with the Utah Statewide Immunization Information System and provide a student's immunization record.~~

~~— Section 2}(1) from requiring a patron or an employee from providing vaccination verification by other means.~~

Section 4. Section **26-3-2.6** is enacted to read:

26-3-2.6. Vaccine reporting requirement.

(1) As used in this section:

(a) "~~{Utah Statewide Immunization Information System" or "}~~USIIS" means the vaccine database operated by the department.

(b) "Vaccine information" means the relevant information, as determined by the department by rule under Subsection (5), that a vaccine provider is required to report to USIIS.

(c) "Vaccine provider" means any of the following that provide vaccinations:

(i) a medical facility, as defined in Section 26-21-25;

(ii) a pharmacy, as defined in Section 58-17b-102;

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(iii) a local health department, as defined in Section 26A-1-102;

(iv) a school, as defined in Section 26-6-2; or

(v) a ~~physician's office; or~~

~~(vi) a dental;~~ health professional office, as defined in Section 26-21-25.

(2) A vaccine provider shall ~~register with USHS.~~

~~(3) (a) Except as described in subsection (3)(b), a vaccine provider shall:~~

~~(a) regularly provide vaccine information to USIIS;~~

~~(b) Before providing a student's;~~ and

(b) provide information regarding the department's online opt out form described in Subsection (3)(a) to an individual or the individual's parent or guardian.

(3) The department:

(a) shall maintain a link to an online opt out form on the homepage of USIIS's website that can be submitted electronically;

(b) may not require notarization for an individual to complete the online opt out form;

(c) within 30 days after the day on which the department receives an opt out form, shall delete all vaccine information ~~to USHS, a school that is a vaccine provider shall comply with Title 53E, Chapter 9, Student Privacy and Data Protection, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g~~ regarding the individual who submitted the form; and

(d) after receiving an opt out form, may not maintain or share any future vaccine information regarding the individual who submitted the opt out form without first obtaining the individual's written consent.

(4) If a vaccine provider fails to ~~report~~ provide adequate vaccine information ~~under Subsection (3)(a) or fails to provide adequate~~ or the department determines that an error occurred when the vaccine provider reported vaccine information, the department shall:

(a) inform the vaccine provider; and

(b) consult with the vaccine provider to assist the vaccine provider in becoming compliant with this section.

(5) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for determining:

(a) the relevant vaccine information a vaccine provider is required to report to USIIS;

(b) based on the amount of vaccines a vaccine provider delivers, how often a vaccine

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provider shall report to USIIS; and

(c) the methods a vaccine provider may use to transmit the information.