

# SENATE BILL No. 47

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-38-5-3; IC 16-39-11-5.

**Synopsis:** Vaccination status information. Requires the Indiana department of health (state department) to release to certain individuals, upon request, a scannable bar code, QR code, or similar code (code) linked to a document that contains the individual's information from the immunization data registry. Requires the state department to provide the code to the individual not later than 14 days from a request by the individual.

**Effective:** Upon passage.

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## Donato, Rogers

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January 9, 2023, read first time and referred to Committee on Health and Provider Services.

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First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## SENATE BILL No. 47

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-38-5-3, AS AMENDED BY P.L.130-2021,  
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 3. (a) Records maintained as part of the  
4 immunization data registry are confidential.

5 (b) The state department may release information from the  
6 immunization data registry to the individual or to the individual's  
7 parent or guardian if the individual is less than eighteen (18) years of  
8 age. **Not later than fourteen (14) days from a request by:**

- 9 (1) **an individual; or**
- 10 (2) **an individual's parent or guardian if the individual is less**
- 11 **than eighteen (18) years of age;**

12 **the state department shall release to the individual or the**  
13 **individual's parent or guardian a scannable bar code, QR code, or**  
14 **similar code linked to a document that contains the individual's**  
15 **information from the immunization data registry.**

16 (c) Subject to subsection (d), the state department may release  
17 information in the immunization data registry concerning an individual



- 1 to the following persons or entities:
- 2 (1) The immunization data registry of another state.
- 3 (2) A provider or a provider's designee.
- 4 (3) A local health department.
- 5 (4) An elementary or secondary school that is attended by the
- 6 individual.
- 7 (5) A child care center that is licensed under IC 12-17.2-4 in
- 8 which the individual is enrolled.
- 9 (6) A child care home that is licensed under IC 12-17.2-5 in
- 10 which the individual is enrolled.
- 11 (7) A child care ministry that is registered under IC 12-17.2-6 in
- 12 which the individual is enrolled.
- 13 (8) The office of Medicaid policy and planning or a contractor of
- 14 the office of Medicaid policy and planning.
- 15 (9) A child placing agency licensed under IC 31-27.
- 16 (10) A college or university (as defined in IC 21-7-13-10) that is
- 17 attended by the individual.
- 18 (11) An entity, including a private entity, for the purpose of
- 19 outreach and education to increase immunization rates, if the
- 20 following conditions are met:
- 21 (A) The entity provides the following written information to
- 22 the state department:
- 23 (i) Information concerning the proposed outreach and
- 24 education, including the information the entity needs from
- 25 the immunization data registry.
- 26 (ii) How the entity intends to use the information.
- 27 (iii) The safeguards the entity will take to protect the identity
- 28 of each individual whose records will be released.
- 29 (B) The state department determines the proposed safeguards
- 30 are adequate to protect the identity of each individual whose
- 31 records will be released.
- 32 (C) An agreement is executed between the state department
- 33 and the entity that specifies the entity's permitted use of the
- 34 records and prohibits the release of names of individuals or
- 35 any facts that may lead to the identification of an individual.
- 36 (12) The United States Centers for Disease Control and
- 37 Prevention.
- 38 (13) An Indiana nonprofit entity that performs health data services
- 39 for health care providers, if the state department executes a data
- 40 use agreement with the entity that specifies the permitted use and
- 41 disclosure of any released information.
- 42 (d) Before immunization data may be released to a person or an



1 entity, the person or entity must enter into a data use agreement with  
 2 the state department that provides that information that identifies a  
 3 patient will not be released to any other person or entity without the  
 4 written consent of the patient unless the release is to a person or entity  
 5 described in subsection (c).

6 (e) The state department may release summary statistics regarding  
 7 information in the immunization data registry to a person or entity that  
 8 has entered into a data use agreement with the state department.

9 SECTION 2. IC 16-39-11-5, AS AMENDED BY P.L.1-2022,  
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), an  
 12 Indiana governmental entity may not issue or require an immunization  
 13 passport.

14 (b) This section does not prohibit an Indiana governmental entity  
 15 from doing any of the following:

16 (1) Maintaining, creating, or storing a medical record of an  
 17 individual's immunization status.

18 (2) Providing a medical record of an individual's immunization  
 19 status to the individual's medical provider in accordance with the  
 20 federal Health Insurance Portability and Accountability Act  
 21 (HIPAA) (P.L.104-191).

22 (3) Providing the individual with **any of the following:**

23 (A) A record of an immunization at the time the individual  
 24 receives the immunization or upon request by the individual.

25 (B) **A scannable bar code, QR code, or similar code linked**  
 26 **to a document that contains the individual's information**  
 27 **from the immunization data registry as set forth in**  
 28 **IC 16-38-5-3(b).**

29 (4) Maintaining an immunization record for the purpose of public  
 30 health administration.

31 SECTION 3. **An emergency is declared for this act.**

