

# HOUSE BILL 316

J1, J2

9lr1162

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By: ~~Delegate Kelly~~ **Delegates Kelly, Pendergrass, Pena–Melnyk, Bagnall, Charles,  
R. Lewis, and K. Young**

Introduced and read first time: January 28, 2019

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Health – Vaccination Reporting Requirements – ImmuNet**

3 FOR the purpose of requiring ~~all~~ certain health care providers in the State to report all  
4 vaccines administered to the Maryland immunization registry, ImmuNet; altering  
5 certain responsibilities of the Secretary of Health and the Maryland Department of  
6 Health relating to certain forms and a certain brochure; defining certain terms;  
7 making certain conforming changes; and generally relating to vaccination reporting  
8 requirements.

9 BY repealing and reenacting, with amendments,  
10 Article – Health – General  
11 Section 18–109  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 18–109.

18 (a) (1) In this section the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) “Authorized user” means:

- 2 (i) A child care facility;
- 3 (ii) A health care provider;
- 4 (iii) A health insurer;
- 5 (iv) A health maintenance organization;
- 6 (v) An institution of higher learning;
- 7 (vi) A local health department;
- 8 (vii) A long-term care facility;
- 9 (viii) A managed care organization;
- 10 (ix) A nonprofit health service plan;
- 11 (x) A patient;
- 12 (xi) A school;
- 13 (xii) A school-based health center;
- 14 (xiii) In the case of a minor child, a parent or guardian; and
- 15 (xiv) Any other user designated by the Secretary.

16 (3) **“HEALTH CARE PROVIDER” MEANS A LICENSED HEALTH CARE**  
17 **PRACTITIONER AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO**  
18 **ADMINISTER VACCINES IN THE STATE.**

19 [(3)] (4) “ImmuNet” means a computerized information and reminder  
20 system to:

- 21 (i) Improve the timely and appropriate delivery of immunizations;
- 22 (ii) Provide a coordinated network for reminder notices when  
23 immunizations are due;
- 24 (iii) Provide and collect information to be shared by authorized users;  
25 and
- 26 (iv) Provide a quality indicator for the insurers’ health care provider  
27 practices and public health purposes.

1           **(5) “IMMUNIZATION” MEANS THE PROCESS BY WHICH AN INDIVIDUAL**  
2 **BECOMES PROTECTED AGAINST A DISEASE INCLUDING, AS THE RESULT OF HAVING**  
3 **A DISEASE, RECEIVING A VACCINATION, OR RECEIVING PREFORMED ANTIBODIES.**

4           **[(4)] (6)**       “Refusal to permit” means the right of an individual or the parent  
5 or guardian of a minor to prevent disclosure to authorized users of individual identifiable  
6 information that was reported to ImmuNet.

7           **(7) “VACCINATION” MEANS THE ADMINISTRATION OF A KILLED OR**  
8 **WEAKENED INFECTIOUS ORGANISM TO PREVENT DISEASE CAUSED BY THAT**  
9 **ORGANISM.**

10           **(8) “VACCINE” MEANS A SUBSTANCE THAT:**

11                       **(I) MAY BE ADMINISTERED BY INJECTION, MOUTH, OR**  
12 **AEROSOL; AND**

13                       **(II) PRODUCES IMMUNITY THAT PROTECTS THE BODY FROM A**  
14 **DISEASE.**

15           (b)       There is an ImmuNet program in the Department.

16           (c)       Subject to subsection (d) of this section, an authorized user may use the  
17 information in ImmuNet for the following purposes:

18                       (1)       To provide coordinated immunization services, including sending  
19 reminder notices to individuals who need immunizations;

20                       (2)       To obtain an individual immunization history;

21                       (3)       To identify geographic areas or population groups that are  
22 underimmunized;

23                       (4)       To compile aggregate data and distribute statistical reports on the  
24 status of immunizations in geographic areas and population groups;

25                       (5)       To assist in the management of State and local immunization programs;

26                       (6)       To monitor the safety of vaccines;

27                       (7)       To assess compliance with immunization requirements by monitoring  
28 admissions to schools, institutions of higher learning, and child care facilities; and

29                       (8)       For any other purpose that the Secretary deems necessary to prevent  
30 the spread of communicable diseases.

1 (d) (1) An individual, or the parent or guardian of a minor child who has  
2 received [an immunization] A VACCINATION, may refuse to permit disclosure of  
3 confidential information collected by ImmuNet, to an authorized user.

4 (2) If the individual or the parent or guardian of a minor child does not  
5 want the release of the individual's or child's confidential information, the individual or the  
6 parent or guardian of a minor child shall complete a "refusal to permit" form, provided by  
7 the Department, to be returned to the Department.

8 (3) The Secretary shall [distribute] MAKE AVAILABLE "refusal to permit"  
9 forms to each health care provider who gives [immunizations] VACCINATIONS.

10 (4) The Department shall:

11 (i) Develop brochures about ImmuNet that:

- 12 1. Describe the benefits of ImmuNet for authorized users;
- 13 2. Describe privacy protections in ImmuNet;
- 14 3. Notify an individual of the right to refuse to permit  
15 disclosure to an authorized user;
- 16 4. Notify an individual that the individual may correct any  
17 inaccurate information;
- 18 5. Provide a list of addresses where an individual may obtain  
19 a form to request the correction or removal of inaccurate information from ImmuNet;
- 20 6. Explain the right of an individual who has received [an  
21 immunization] A VACCINATION to have the individual's personal information kept  
22 confidential;
- 23 7. Describe the kind of information collected and retained by  
24 ImmuNet about an individual who receives [an immunization] A VACCINATION;
- 25 8. Describe who has access to the information in ImmuNet;  
26 and
- 27 9. Describe how the information is used by ImmuNet; and

28 (ii) [Distribute copies of] MAKE the brochure AVAILABLE to each  
29 health care provider who administers [immunizations] VACCINES.

1 (5) Prior to administering [immunizations] VACCINES to a newborn child,  
 2 each birth hospital or birthing center shall distribute the form and the brochure described  
 3 in paragraphs (2) and (4) of this subsection to the parent of a newborn child.

4 (6) ~~(I)~~ ~~A~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
 5 PARAGRAPH, A health care provider who administers [an immunization] A VACCINE, or  
 6 the agent of the health care provider, shall:

7 ~~(i)~~ 1. Provide the individual with a copy of the form and the  
 8 brochure described in paragraphs (2) and (4) of this subsection; [and]

9 ~~(ii)~~ 2. Notify the individual or the parent or guardian of a minor  
 10 of the right to refuse to disclose to ImmuNet; AND

11 ~~(iii)~~ 3. REPORT TO IMMUNET ALL VACCINES  
 12 ADMINISTERED.

13 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A  
 14 HEALTH CARE PROVIDER, OR AN AGENT OF A HEALTH CARE PROVIDER, WHO  
 15 ADMINISTERS A VACCINE IN A NURSING FACILITY, AN ASSISTED LIVING PROGRAM, A  
 16 CONTINUING CARE RETIREMENT COMMUNITY, OR A MEDICAL DAY CARE PROGRAM.

17 (e) Subject to the provisions of subsection (d) of this section, information for  
 18 ImmuNet may be obtained from:

19 (1) Any records owned or controlled by the Department, including Medicaid  
 20 records, clinic records, and vital records;

21 (2) Any authorized user; and

22 (3) Any other source of information authorized by the Secretary for use.

23 (f) Authorized users may not use the information in ImmuNet:

24 (1) To release or disclose information in ImmuNet that an individual has  
 25 refused to disclose;

26 (2) To solicit new patients or clients; or

27 (3) For any other purpose unless authorized by the Secretary.

28 (g) (1) A local health department may operate a local immunization system.

29 (2) A local health department operating a local immunization system shall  
 30 be subject to the provisions of subsections (c) through (f) of this section.

1 (3) A local health department is required to submit information  
2 maintained in a local immunization system to ImmuNet in accordance with regulations  
3 adopted by the Secretary.

4 (h) An authorized user who in good faith discloses or does not disclose information  
5 to ImmuNet is not liable in any cause of action arising from the disclosure or nondisclosure  
6 of that information.

7 (i) An authorized user, including an officer or employee of a governmental unit,  
8 who knowingly and willfully violates subsection (f) of this section is guilty of a misdemeanor  
9 and on conviction is subject to a fine not exceeding \$1,000 for the first offense and not  
10 exceeding \$5,000 for each subsequent offense.

11 (j) If the confidentiality of records of Maryland citizens is protected, the Secretary  
12 may enter into collaborative agreements with other states for the purpose of sharing  
13 information about immunizations.

14 (k) The Secretary shall adopt regulations to implement this section, including  
15 regulations specifying:

16 (1) The type and kind of information to be collected;

17 (2) Procedures for protecting the confidentiality of information in  
18 ImmuNet;

19 (3) The permissible use of information compiled by ImmuNet; and

20 (4) Standards for maintaining security and reliability of collected  
21 information in the system.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.