

AMENDED IN ASSEMBLY MAY 2, 2022

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1797

Introduced by Assembly Member Akilah Weber

(Principal coauthor: Senator Pan)

(Coauthors: Assembly Members Low and Wicks)

(Coauthors: Senators Newman and Wiener)

February 7, 2022

An act to ~~amend~~ *amend, repeal, and add* Section 120440 of the Health and Safety Code, relating to immunization registry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1797, as amended, Akilah Weber. Immunization registry.

Existing law authorizes local health officers and the State Department of Public Health to operate immunization information systems. Existing law, except as provided, authorizes health care providers and other agencies, including, among others, schools, childcare facilities, family childcare homes, and county human services agencies, to disclose specified immunization information with local health departments and the State Department of Public Health, and authorizes local health departments and the department to disclose that same information to each other and to health care providers, schools, childcare facilities, family childcare homes, and county human services agencies, among others, as specified. Existing law specifies the immunization, patient, or client information that may be disclosed, which includes, among other things, patient or client demographic information, immunization

data, adverse reactions to the immunization, or other information needed to identify the patient or client or to comply with other laws.

This bill would instead require health care providers and other agencies, including schools, childcare facilities, family childcare homes, and county human services agencies to disclose the specified immunization information, and would add the patient’s or client’s race or ethnicity to the list of information that shall or may be disclosed. By imposing new duties on schools and county human services agencies, the bill would impose a state-mandated local program.

Existing law requires schools, childcare facilities, family childcare homes, and county human services agencies to maintain the confidentiality of the specified immunization information and to only use the information for specified purposes, including to carry out their responsibilities regarding required immunization for attendance or participation benefits, or both.

This bill ~~would~~ *would, until January 1, 2026*, additionally authorize schools, childcare facilities, family childcare homes, and county human services agencies to use the specified immunization information, ~~in the event of a~~ *for the COVID-19* public health emergency, to perform immunization status assessments of pupils, adults, and clients to ensure health and safety.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 120440 of the Health and Safety Code
- 2 is amended to read:
- 3 120440. (a) For the purposes of this chapter, the following
- 4 definitions shall apply:
- 5 (1) “Health care provider” means any person licensed pursuant
- 6 to Division 2 (commencing with Section 500) of the Business and

1 Professions Code or a clinic or health facility licensed pursuant to
2 Division 2 (commencing with Section 1200).

3 (2) “Schools, childcare facilities, and family childcare homes”
4 means those institutions referred to in subdivision (b) of Section
5 120335, regardless of whether they directly provide immunizations
6 to patients or clients.

7 (3) “WIC service provider” means any public or private
8 nonprofit agency contracting with the department to provide
9 services under the California Special Supplemental Food Program
10 for Women, Infants, and Children, as provided for in Article 2
11 (commencing with Section 123275) of Chapter 1 of Part 2 of
12 Division 106.

13 (4) “Health care plan” means a health care service plan as
14 defined in subdivision (f) of Section 1345, a government-funded
15 program the purpose of which is paying the costs of health care,
16 or an insurer as described in Sections 10123.5 and 10123.55 of
17 the Insurance Code, regardless of whether the plan directly provides
18 immunizations to patients or clients.

19 (5) “County human services agency” means a county welfare
20 agency administering the California Work Opportunity and
21 Responsibility to Kids (CalWORKs) program, pursuant to Chapter
22 2 (commencing with Section 11200.5) of Part 3 of Division 9 of
23 the Welfare and Institutions Code.

24 (6) “Foster care agency” means any of the county and state
25 social services agencies providing foster care services in California.

26 (7) “Tuberculosis screening” means an approved intradermal
27 tuberculin test or any other test for tuberculosis infection that is
28 recommended by the federal Centers for Disease Control and
29 Prevention and licensed by the federal Food and Drug
30 Administration.

31 (b) (1) Local health officers may operate immunization
32 information systems pursuant to their authority under Section
33 120175, in conjunction with the Immunization Branch of the State
34 Department of Public Health. Local health officers and the State
35 Department of Public Health may operate these systems in either
36 or both of the following manners:

37 (A) Separately within their individual jurisdictions.

38 (B) Jointly among more than one jurisdiction.

39 (2) This subdivision does not preclude local health officers from
40 sharing the information set forth in paragraphs (1) to (12),

1 inclusive, of subdivision (c) with other health officers jointly
2 operating the system.

3 (c) Notwithstanding Sections 49075 and 49076 of the Education
4 Code, Chapter 5 (commencing with Section 10850) of Part 2 of
5 Division 9 of the Welfare and Institutions Code, or any other
6 provision of law, unless a refusal to permit recordsharing is made
7 pursuant to subdivision (e), health care providers, and other
8 agencies, including, but not limited to, schools, childcare facilities,
9 service providers for the California Special Supplemental Food
10 Program for Women, Infants, and Children (WIC), health care
11 plans, foster care agencies, and county human services agencies,
12 shall disclose the information set forth in paragraphs (1) to (12),
13 inclusive, from the patient's medical record, or the client's record,
14 to local health departments operating countywide or regional
15 immunization information and reminder systems and the State
16 Department of Public Health. Local health departments and the
17 State Department of Public Health may disclose the information
18 set forth in paragraphs (1) to (12), inclusive, to each other and,
19 upon a request for information pertaining to a specific person, to
20 health care providers taking care of the patient and to the Medical
21 Board of California and the Osteopathic Medical Board of
22 California. Local health departments and the State Department of
23 Public Health may disclose the information in paragraphs (1) to
24 (7), inclusive, and paragraphs (9) to (12), inclusive, to schools,
25 childcare facilities, county human services agencies, and family
26 childcare homes to which the person is being admitted or in
27 attendance, foster care agencies in assessing and providing medical
28 care for children in foster care, and WIC service providers
29 providing services to the person, health care plans arranging for
30 immunization services for the patient, and county human services
31 agencies assessing immunization histories of dependents of
32 CalWORKs participants, upon request for information pertaining
33 to a specific person. Determination of benefits based upon
34 immunization of a dependent CalWORKs participant shall be made
35 pursuant to Section 11265.8 of the Welfare and Institutions Code.
36 The following information shall be subject to this subdivision:

37 (1) The name of the patient or client and names of the parents
38 or guardians of the patient or client.

39 (2) Date of birth of the patient or client.

1 (3) Types and dates of immunizations received by the patient
2 or client.

3 (4) Manufacturer and lot number for each immunization
4 received.

5 (5) Adverse reaction to immunizations received.

6 (6) Other nonmedical information necessary to establish the
7 patient's or client's unique identity and record.

8 (7) Results of tuberculosis screening.

9 (8) Current address and telephone number of the patient or client
10 and the parents or guardians of the patient or client.

11 (9) Patient's or client's gender.

12 (10) Patient's or client's place of birth.

13 (11) Patient's or client's race or ethnicity.

14 (12) Patient's or client's information needed to comply with
15 Chapter 1 (commencing with Section 120325), but excluding
16 Section 120380.

17 (d) (1) Health care providers, local health departments, and the
18 State Department of Public Health shall maintain the confidentiality
19 of information listed in subdivision (c) in the same manner as other
20 medical record information with patient identification that they
21 possess. These providers, departments, and contracting agencies
22 are subject to civil action and criminal penalties for the wrongful
23 disclosure of the information listed in subdivision (c), in accordance
24 with existing law. They shall use the information listed in
25 subdivision (c) only for the following purposes:

26 (A) To provide immunization services to the patient or client,
27 including issuing reminder notifications to patients or clients or
28 their parents or guardians when immunizations are due.

29 (B) To provide or facilitate provision of third-party payer
30 payments for immunizations.

31 (C) To compile and disseminate statistical information of
32 immunization status on groups of patients or clients or populations
33 in California, without identifying information for these patients or
34 clients included in these groups or populations.

35 (D) In the case of health care providers only, as authorized by
36 Part 2.6 (commencing with Section 56) of Division 1 of the Civil
37 Code.

38 (2) Schools, childcare facilities, family childcare homes, WIC
39 service providers, foster care agencies, county human services
40 agencies, and health care plans shall maintain the confidentiality

1 of information listed in subdivision (c) in the same manner as other
 2 client, patient, and pupil information that they possess. These
 3 institutions and providers are subject to civil action and criminal
 4 penalties for the wrongful disclosure of the information listed in
 5 subdivision (c), in accordance with existing law. They shall use
 6 the information listed in subdivision (c) only for those purposes
 7 provided in subparagraphs (A) to (D), inclusive, of paragraph (1)
 8 and as follows:

9 (A) In the case of schools, childcare facilities, family childcare
 10 homes, and county human services agencies, to carry out their
 11 responsibilities regarding required immunization for attendance
 12 or participation benefits, or both, as described in Chapter 1
 13 (commencing with Section 120325), and in Section 11265.8 of
 14 the Welfare and Institutions Code.

15 (B) In the case of WIC service providers, to perform
 16 immunization status assessments of clients and to refer those clients
 17 found to be due or overdue for immunizations to health care
 18 providers.

19 (C) In the case of health care plans, to facilitate payments to
 20 health care providers, to assess the immunization status of their
 21 clients, and to tabulate statistical information on the immunization
 22 status of groups of patients, without including patient-identifying
 23 information in these tabulations.

24 (D) In the case of foster care agencies, to perform immunization
 25 status assessments of foster children and to assist those foster
 26 children found to be due or overdue for immunization in obtaining
 27 immunizations from health care providers.

28 (E) (i) In the case of schools, childcare facilities, family
 29 childcare homes, and county human services agencies, ~~in the event~~
 30 ~~of a~~ *for the COVID-19* public health emergency, to perform
 31 immunization status assessments of pupils, adults, and clients to
 32 ensure health and safety.

33 (ii) *In the case of schools, this subparagraph only applies if the*
 34 *school's governing board or body has adopted a policy mandating*
 35 *COVID-19 immunization for school attendance and the school*
 36 *limits the use of the data to verifying immunization status for this*
 37 *purpose.*

38 (e) A patient or a patient's parent or guardian may refuse to
 39 permit recordsharing. The health care provider administering
 40 immunization and any other agency possessing any patient or client

1 information listed in subdivision (c), if planning to provide patient
2 or client information to an immunization system, as described in
3 subdivision (b), shall inform the patient or client, or the parent or
4 guardian of the patient or client, of the following:

5 (1) The information listed in subdivision (c) shall be shared
6 with local health departments and the State Department of Public
7 Health. The health care provider or other agency shall provide the
8 name and address of the State Department of Public Health or of
9 the immunization registry with which the provider or other agency
10 will share the information.

11 (2) Any of the information shared with local health departments
12 and the State Department of Public Health shall be treated as
13 confidential medical information and shall be used only to share
14 with each other, and, upon request, with health care providers,
15 schools, childcare facilities, family childcare homes, WIC service
16 providers, county human services agencies, foster care agencies,
17 and health care plans. These providers, agencies, and institutions
18 shall, in turn, treat the shared information as confidential, and shall
19 use it only as described in subdivision (d).

20 (3) The patient or client, or parent or guardian of the patient or
21 client, has the right to examine any immunization-related
22 information or tuberculosis screening results shared pursuant to
23 this section and to correct any errors in it.

24 (4) The patient or client, or the parent or guardian of the patient
25 or client, may refuse to allow this information to be shared pursuant
26 to this section or to receive immunization reminder notifications
27 at any time, or both. After refusal, the patient's or client's physician
28 may maintain access to this information for the purposes of patient
29 care or protecting the public health. After refusal, the local health
30 department and the State Department of Public Health may
31 maintain access to this information for the purpose of protecting
32 the public health pursuant to Sections 100325, 120140, and 120175,
33 as well as Sections 2500 to 2643.20, inclusive, of Title 17 of the
34 California Code of Regulations.

35 (f) (1) The health care provider administering the immunization
36 or tuberculosis screening and any other agency possessing any
37 patient or client information listed in subdivision (c), may inform
38 the patient or client, or the parent or guardian of the patient or
39 client, by ordinary mail, of the information in paragraphs (1) to
40 (4), inclusive, of subdivision (e). The mailing shall include a

1 reasonable means for refusal, such as a return form or contact
2 telephone number.

3 (2) The information in paragraphs (1) to (4), inclusive, of
4 subdivision (e) may also be presented to the parent or guardian of
5 the patient or client during any hospitalization of the patient or
6 client.

7 (g) If the patient or client, or parent or guardian of the patient
8 or client, refuses to allow the information to be shared, pursuant
9 to paragraph (4) of subdivision (e), the health care provider or
10 other agency may not share this information in the manner
11 described in subdivision (c), except as provided in subparagraph
12 (D) of paragraph (1) of subdivision (d).

13 (h) (1) Upon request of the patient or client, or the parent or
14 guardian of the patient or client, in writing or by other means
15 acceptable to the recipient, a local health department or the State
16 Department of Public Health that has received information about
17 a person pursuant to subdivision (c) shall do all of the following:

18 (A) Provide the name and address of other persons or agencies
19 with whom the recipient has shared the information.

20 (B) Stop sharing the information in its possession after the date
21 of the receipt of the request.

22 (2) After refusal, the patient's or client's physician may maintain
23 access to this information for the purposes of patient care or
24 protecting the public health. After refusal, the local health
25 department and the State Department of Public Health may
26 maintain access to this information for the purpose of protecting
27 the public health pursuant to Sections 100325, 120140, and 120175,
28 as well as Sections 2500 to 2643.20, inclusive, of Title 17 of the
29 California Code of Regulations.

30 (i) Upon notification, in writing or by other means acceptable
31 to the recipient, of an error in the information, a local health
32 department or the State Department of Public Health that has
33 information about a person pursuant to subdivision (c) shall correct
34 the error. If the recipient is aware of a disagreement about whether
35 an error exists, information to that effect may be included.

36 (j) (1) Any party authorized to make medical decisions for a
37 patient or client, including, but not limited to, those authorized by
38 Section 6922, 6926, or 6927 of, Part 1.5 (commencing with Section
39 6550), Chapter 2 (commencing with Section 6910) of Part 4, or
40 Chapter 1 (commencing with Section 7000) of Part 6, of Division

1 11 of, the Family Code, Section 1530.6 of the Health and Safety
2 Code, or Sections 727 and 1755.3 of, and Article 6 (commencing
3 with Section 300) of Chapter 2 of Part 1 of Division 2 of, the
4 Welfare and Institutions Code, may permit sharing of the patient's
5 or client's record with any of the immunization information
6 systems authorized by this section.

7 (2) For a patient or client who is a dependent of a juvenile court,
8 the court or a person or agency designated by the court may permit
9 this recordsharing.

10 (3) For a patient or client receiving foster care, a person or
11 persons licensed to provide residential foster care, or having legal
12 custody, may permit this recordsharing.

13 (k) For purposes of supporting immunization information
14 systems, the State Department of Public Health shall assist the
15 Immunization Branch of the State Department of Public Health in
16 both of the following:

17 (1) Providing department records containing information about
18 publicly funded immunizations.

19 (2) Supporting efforts for the reporting of publicly funded
20 immunizations into immunization information systems by health
21 care providers and health care plans.

22 (l) Subject to any other provisions of state and federal law or
23 regulation that limit the disclosure of health information and protect
24 the privacy and confidentiality of personal information, local health
25 departments and the State Department of Public Health may share
26 the information listed in subdivision (c) with a state, local health
27 departments, health care providers, immunization information
28 systems, or any representative of an entity designated by federal
29 or state law or regulation to receive this information. The State
30 Department of Public Health may enter into written agreements
31 to exchange confidential immunization information with other
32 states for the purposes of patient care, protecting the public health,
33 entrance into school, childcare and other institutions requiring
34 immunization prior to entry, and the other purposes described in
35 subdivision (d). The written agreement shall provide that the state
36 that receives confidential immunization information must maintain
37 its confidentiality and may only use it for purposes of patient care,
38 protecting the public health, entrance into school, childcare and
39 other institutions requiring immunization prior to entry, and the
40 other purposes described in subdivision (d). Information shall not

1 be shared pursuant to this subdivision if a patient or client, or parent
2 or guardian of a patient or client, refuses to allow the sharing of
3 immunization information pursuant to subdivision (e).

4 *(m) This section shall remain in effect only until January 1,*
5 *2026, and as of that date is repealed.*

6 *SEC. 2. Section 120440 is added to the Health and Safety Code,*
7 *to read:*

8 *120440. (a) For the purposes of this chapter, the following*
9 *definitions shall apply:*

10 *(1) "Health care provider" means any person licensed pursuant*
11 *to Division 2 (commencing with Section 500) of the Business and*
12 *Professions Code or a clinic or health facility licensed pursuant*
13 *to Division 2 (commencing with Section 1200).*

14 *(2) "Schools, childcare facilities, and family childcare homes"*
15 *means those institutions referred to in subdivision (b) of Section*
16 *120335, regardless of whether they directly provide immunizations*
17 *to patients or clients.*

18 *(3) "WIC service provider" means any public or private*
19 *nonprofit agency contracting with the department to provide*
20 *services under the California Special Supplemental Food Program*
21 *for Women, Infants, and Children, as provided for in Article 2*
22 *(commencing with Section 123275) of Chapter 1 of Part 2 of*
23 *Division 106.*

24 *(4) "Health care plan" means a health care service plan as*
25 *defined in subdivision (f) of Section 1345, a government-funded*
26 *program the purpose of which is paying the costs of health care,*
27 *or an insurer as described in Sections 10123.5 and 10123.55 of*
28 *the Insurance Code, regardless of whether the plan directly*
29 *provides immunizations to patients or clients.*

30 *(5) "County human services agency" means a county welfare*
31 *agency administering the California Work Opportunity and*
32 *Responsibility to Kids (CalWORKs) program, pursuant to Chapter*
33 *2 (commencing with Section 11200.5) of Part 3 of Division 9 of*
34 *the Welfare and Institutions Code.*

35 *(6) "Foster care agency" means any of the county and state*
36 *social services agencies providing foster care services in*
37 *California.*

38 *(7) "Tuberculosis screening" means an approved intradermal*
39 *tuberculin test or any other test for tuberculosis infection that is*
40 *recommended by the federal Centers for Disease Control and*

1 *Prevention and licensed by the federal Food and Drug*
2 *Administration.*

3 *(b) (1) Local health officers may operate immunization*
4 *information systems pursuant to their authority under Section*
5 *120175, in conjunction with the Immunization Branch of the State*
6 *Department of Public Health. Local health officers and the State*
7 *Department of Public Health may operate these systems in either*
8 *or both of the following manners:*

9 *(A) Separately within their individual jurisdictions.*

10 *(B) Jointly among more than one jurisdiction.*

11 *(2) This subdivision does not preclude local health officers from*
12 *sharing the information set forth in paragraphs (1) to (12),*
13 *inclusive, of subdivision (c) with other health officers jointly*
14 *operating the system.*

15 *(c) Notwithstanding Sections 49075 and 49076 of the Education*
16 *Code, Chapter 5 (commencing with Section 10850) of Part 2 of*
17 *Division 9 of the Welfare and Institutions Code, or any other*
18 *provision of law, unless a refusal to permit recordsharing is made*
19 *pursuant to subdivision (e), health care providers, and other*
20 *agencies, including, but not limited to, schools, childcare facilities,*
21 *service providers for the California Special Supplemental Food*
22 *Program for Women, Infants, and Children (WIC), health care*
23 *plans, foster care agencies, and county human services agencies,*
24 *shall disclose the information set forth in paragraphs (1) to (12),*
25 *inclusive, from the patient's medical record, or the client's record,*
26 *to local health departments operating countywide or regional*
27 *immunization information and reminder systems and the State*
28 *Department of Public Health. Local health departments and the*
29 *State Department of Public Health may disclose the information*
30 *set forth in paragraphs (1) to (12), inclusive, to each other and,*
31 *upon a request for information pertaining to a specific person, to*
32 *health care providers taking care of the patient and to the Medical*
33 *Board of California and the Osteopathic Medical Board of*
34 *California. Local health departments and the State Department*
35 *of Public Health may disclose the information in paragraphs (1)*
36 *to (7), inclusive, and paragraphs (9) to (12), inclusive, to schools,*
37 *childcare facilities, county human services agencies, and family*
38 *childcare homes to which the person is being admitted or in*
39 *attendance, foster care agencies in assessing and providing*
40 *medical care for children in foster care, and WIC service providers*

1 *providing services to the person, health care plans arranging for*
2 *immunization services for the patient, and county human services*
3 *agencies assessing immunization histories of dependents of*
4 *CalWORKs participants, upon request for information pertaining*
5 *to a specific person. Determination of benefits based upon*
6 *immunization of a dependent CalWORKs participant shall be made*
7 *pursuant to Section 11265.8 of the Welfare and Institutions Code.*
8 *The following information shall be subject to this subdivision:*
9 *(1) The name of the patient or client and names of the parents*
10 *or guardians of the patient or client.*
11 *(2) Date of birth of the patient or client.*
12 *(3) Types and dates of immunizations received by the patient*
13 *or client.*
14 *(4) Manufacturer and lot number for each immunization*
15 *received.*
16 *(5) Adverse reaction to immunizations received.*
17 *(6) Other nonmedical information necessary to establish the*
18 *patient's or client's unique identity and record.*
19 *(7) Results of tuberculosis screening.*
20 *(8) Current address and telephone number of the patient or*
21 *client and the parents or guardians of the patient or client.*
22 *(9) Patient's or client's gender.*
23 *(10) Patient's or client's place of birth.*
24 *(11) Patient's or client's race or ethnicity.*
25 *(12) Patient's or client's information needed to comply with*
26 *Chapter 1 (commencing with Section 120325), but excluding*
27 *Section 120380.*
28 *(d) (1) Health care providers, local health departments, and*
29 *the State Department of Public Health shall maintain the*
30 *confidentiality of information listed in subdivision (c) in the same*
31 *manner as other medical record information with patient*
32 *identification that they possess. These providers, departments, and*
33 *contracting agencies are subject to civil action and criminal*
34 *penalties for the wrongful disclosure of the information listed in*
35 *subdivision (c), in accordance with existing law. They shall use*
36 *the information listed in subdivision (c) only for the following*
37 *purposes:*
38 *(A) To provide immunization services to the patient or client,*
39 *including issuing reminder notifications to patients or clients or*
40 *their parents or guardians when immunizations are due.*

1 (B) To provide or facilitate provision of third-party payer
2 payments for immunizations.

3 (C) To compile and disseminate statistical information of
4 immunization status on groups of patients or clients or populations
5 in California, without identifying information for these patients
6 or clients included in these groups or populations.

7 (D) In the case of health care providers only, as authorized by
8 Part 2.6 (commencing with Section 56) of Division 1 of the Civil
9 Code.

10 (2) Schools, childcare facilities, family childcare homes, WIC
11 service providers, foster care agencies, county human services
12 agencies, and health care plans shall maintain the confidentiality
13 of information listed in subdivision (c) in the same manner as other
14 client, patient, and pupil information that they possess. These
15 institutions and providers are subject to civil action and criminal
16 penalties for the wrongful disclosure of the information listed in
17 subdivision (c), in accordance with existing law. They shall use
18 the information listed in subdivision (c) only for those purposes
19 provided in subparagraphs (A) to (D), inclusive, of paragraph (1)
20 and as follows:

21 (A) In the case of schools, childcare facilities, family childcare
22 homes, and county human services agencies, to carry out their
23 responsibilities regarding required immunization for attendance
24 or participation benefits, or both, as described in Chapter 1
25 (commencing with Section 120325), and in Section 11265.8 of the
26 Welfare and Institutions Code.

27 (B) In the case of WIC service providers, to perform
28 immunization status assessments of clients and to refer those clients
29 found to be due or overdue for immunizations to health care
30 providers.

31 (C) In the case of health care plans, to facilitate payments to
32 health care providers, to assess the immunization status of their
33 clients, and to tabulate statistical information on the immunization
34 status of groups of patients, without including patient-identifying
35 information in these tabulations.

36 (D) In the case of foster care agencies, to perform immunization
37 status assessments of foster children and to assist those foster
38 children found to be due or overdue for immunization in obtaining
39 immunizations from health care providers.

1 (e) A patient or a patient's parent or guardian may refuse to
2 permit recordsharing. The health care provider administering
3 immunization and any other agency possessing any patient or
4 client information listed in subdivision (c), if planning to provide
5 patient or client information to an immunization system, as
6 described in subdivision (b), shall inform the patient or client, or
7 the parent or guardian of the patient or client, of the following:

8 (1) The information listed in subdivision (c) shall be shared
9 with local health departments and the State Department of Public
10 Health. The health care provider or other agency shall provide
11 the name and address of the State Department of Public Health
12 or of the immunization registry with which the provider or other
13 agency will share the information.

14 (2) Any of the information shared with local health departments
15 and the State Department of Public Health shall be treated as
16 confidential medical information and shall be used only to share
17 with each other, and, upon request, with health care providers,
18 schools, childcare facilities, family childcare homes, WIC service
19 providers, county human services agencies, foster care agencies,
20 and health care plans. These providers, agencies, and institutions
21 shall, in turn, treat the shared information as confidential, and
22 shall use it only as described in subdivision (d).

23 (3) The patient or client, or parent or guardian of the patient
24 or client, has the right to examine any immunization-related
25 information or tuberculosis screening results shared pursuant to
26 this section and to correct any errors in it.

27 (4) The patient or client, or the parent or guardian of the patient
28 or client, may refuse to allow this information to be shared
29 pursuant to this section or to receive immunization reminder
30 notifications at any time, or both. After refusal, the patient's or
31 client's physician may maintain access to this information for the
32 purposes of patient care or protecting the public health. After
33 refusal, the local health department and the State Department of
34 Public Health may maintain access to this information for the
35 purpose of protecting the public health pursuant to Sections
36 100325, 120140, and 120175, as well as Sections 2500 to 2643.20,
37 inclusive, of Title 17 of the California Code of Regulations.

38 (f) (1) The health care provider administering the immunization
39 or tuberculosis screening and any other agency possessing any
40 patient or client information listed in subdivision (c), may inform

1 *the patient or client, or the parent or guardian of the patient or*
2 *client, by ordinary mail, of the information in paragraphs (1) to*
3 *(4), inclusive, of subdivision (e). The mailing shall include a*
4 *reasonable means for refusal, such as a return form or contact*
5 *telephone number.*

6 *(2) The information in paragraphs (1) to (4), inclusive, of*
7 *subdivision (e) may also be presented to the parent or guardian*
8 *of the patient or client during any hospitalization of the patient or*
9 *client.*

10 *(g) If the patient or client, or parent or guardian of the patient*
11 *or client, refuses to allow the information to be shared, pursuant*
12 *to paragraph (4) of subdivision (e), the health care provider or*
13 *other agency may not share this information in the manner*
14 *described in subdivision (c), except as provided in subparagraph*
15 *(D) of paragraph (1) of subdivision (d).*

16 *(h) (1) Upon request of the patient or client, or the parent or*
17 *guardian of the patient or client, in writing or by other means*
18 *acceptable to the recipient, a local health department or the State*
19 *Department of Public Health that has received information about*
20 *a person pursuant to subdivision (c) shall do all of the following:*

21 *(A) Provide the name and address of other persons or agencies*
22 *with whom the recipient has shared the information.*

23 *(B) Stop sharing the information in its possession after the date*
24 *of the receipt of the request.*

25 *(2) After refusal, the patient's or client's physician may maintain*
26 *access to this information for the purposes of patient care or*
27 *protecting the public health. After refusal, the local health*
28 *department and the State Department of Public Health may*
29 *maintain access to this information for the purpose of protecting*
30 *the public health pursuant to Sections 100325, 120140, and*
31 *120175, as well as Sections 2500 to 2643.20, inclusive, of Title 17*
32 *of the California Code of Regulations.*

33 *(i) Upon notification, in writing or by other means acceptable*
34 *to the recipient, of an error in the information, a local health*
35 *department or the State Department of Public Health that has*
36 *information about a person pursuant to subdivision (c) shall*
37 *correct the error. If the recipient is aware of a disagreement about*
38 *whether an error exists, information to that effect may be included.*

39 *(j) (1) Any party authorized to make medical decisions for a*
40 *patient or client, including, but not limited to, those authorized by*

1 Section 6922, 6926, or 6927 of, Part 1.5 (commencing with Section
2 6550), Chapter 2 (commencing with Section 6910) of Part 4, or
3 Chapter 1 (commencing with Section 7000) of Part 6, of Division
4 11 of, the Family Code, Section 1530.6 of the Health and Safety
5 Code, or Sections 727 and 1755.3 of, and Article 6 (commencing
6 with Section 300) of Chapter 2 of Part 1 of Division 2 of, the
7 Welfare and Institutions Code, may permit sharing of the patient's
8 or client's record with any of the immunization information systems
9 authorized by this section.

10 (2) For a patient or client who is a dependent of a juvenile court,
11 the court or a person or agency designated by the court may permit
12 this recordsharing.

13 (3) For a patient or client receiving foster care, a person or
14 persons licensed to provide residential foster care, or having legal
15 custody, may permit this recordsharing.

16 (k) For purposes of supporting immunization information
17 systems, the State Department of Public Health shall assist the
18 Immunization Branch of the State Department of Public Health in
19 both of the following:

20 (1) Providing department records containing information about
21 publicly funded immunizations.

22 (2) Supporting efforts for the reporting of publicly funded
23 immunizations into immunization information systems by health
24 care providers and health care plans.

25 (l) Subject to any other provisions of state and federal law or
26 regulation that limit the disclosure of health information and
27 protect the privacy and confidentiality of personal information,
28 local health departments and the State Department of Public
29 Health may share the information listed in subdivision (c) with a
30 state, local health departments, health care providers,
31 immunization information systems, or any representative of an
32 entity designated by federal or state law or regulation to receive
33 this information. The State Department of Public Health may enter
34 into written agreements to exchange confidential immunization
35 information with other states for the purposes of patient care,
36 protecting the public health, entrance into school, childcare and
37 other institutions requiring immunization prior to entry, and the
38 other purposes described in subdivision (d). The written agreement
39 shall provide that the state that receives confidential immunization
40 information must maintain its confidentiality and may only use it

1 *for purposes of patient care, protecting the public health, entrance*
2 *into school, childcare and other institutions requiring immunization*
3 *prior to entry, and the other purposes described in subdivision*
4 *(d). Information shall not be shared pursuant to this subdivision*
5 *if a patient or client, or parent or guardian of a patient or client,*
6 *refuses to allow the sharing of immunization information pursuant*
7 *to subdivision (e).*

8 *(m) This section shall become operative on January 1, 2026.*

9 ~~SEC. 2.~~

10 SEC. 3. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.

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