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SENATE BILL 203

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Linda M Lopez

AN ACT

RELATING TO PUBLIC HEALTH; ENACTING THE IMMUNIZATION ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- Chapter 24, Article 5 NMSA 1978 may be cited as the "Immunization Act"."

Section 2. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"[NEW MATERIAL] IMMUNIZATION REGISTRY-- CREATION. -- The department of health, in conjunction with the human services department, shall establish and maintain a state immunization registry. The registry shall be a single repository of accurate, complete and current immunization records to aid, coordinate and promote effective and cost-efficient disease

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1 prevention and control efforts. "

2 Section 3. A new section of Chapter 24, Article 5 NMSA
3 1978 is enacted to read:

4 "[NEW MATERIAL] REPORTING. -- Physicians, nurses and other
5 health care providers shall report on immunization to the
6 immunization registry unless the patient, or the patient's
7 guardian if the patient is a minor, refuses to allow reporting
8 of this information. "

9 Section 4. A new section of Chapter 24, Article 5 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] ACCESS. -- Access to the information in the
12 immunization registry shall be limited to primary care
13 physicians, nurses, school nurses and other appropriate health
14 care providers or public health entities as determined by the
15 secretary of health. "

16 Section 5. A new section of Chapter 24, Article 5 NMSA
17 1978 is enacted to read:

18 "[NEW MATERIAL] USE. -- The information contained in the
19 immunization registry shall be used for the following purposes:

- 20 A. to ensure that the registrants receive all
21 recommended immunizations in a timely manner by providing
22 access to the registrant's immunization record;
- 23 B. to improve immunization rates by facilitating
24 notice to registrants of overdue or upcoming immunizations; and
- 25 C. to control communicable diseases by assisting in

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1 the identification of individuals who require immediate
2 immunization in the event of a disease outbreak. "

3 Section 6. A new section of Chapter 24, Article 5 NMSA
4 1978 is enacted to read:

5 "[NEW MATERIAL] RULES. --The secretary of health shall
6 adopt rules for the immunization registry pursuant to the
7 Immunization Act concerning the following:

8 A. the implementation and maintenance of the
9 registry;

10 B. requirements for content and submission of
11 reports of immunization to the registry;

12 C. procedures for the patient, or the patient's
13 parent or guardian if the patient is a minor, to decline to
14 participate in the registry;

15 D. procedures for the registrant, or the
16 registrant's parent or guardian if the registrant is a minor,
17 to review and correct information contained in the registry;

18 E. procedures for the registrant, or the
19 registrant's parent or guardian if the registrant is a minor,
20 to withdraw consent for participation at any time and to remove
21 information from the registry;

22 F. limits on and methods of access to the registry
23 by those authorized to gain access; and

24 G. procedures for managed care organizations to
25 obtain summary statistics of immunization information on

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1 managed care organization members from the registry. "

2 Section 7. A new section of Chapter 24, Article 5 NMSA
3 1978 is enacted to read:

4 "[NEW MATERIAL] OBLIGATIONS. -- Nothing in the immunization
5 registry is intended to affect the obligations of persons to
6 have their children immunized pursuant to the Immunization
7 Act. "

8 Section 8. A new section of Chapter 24, Article 5 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] RIGHTS. -- Nothing in the Immunization Act
11 shall preclude the right of the patient, or the patient's
12 parent or guardian if the patient is a minor, to claim
13 exemption from immunization as defined in Section 24-5-3 NMSA
14 1978; nor shall anything in the Immunization Act require such
15 patient to be included in the immunization registry if the
16 patient, or the patient's parent or guardian if the patient is
17 a minor, objects on any grounds, including that such registry
18 conflicts with the religious belief of the patient, or the
19 patient's parent or guardian if the patient is a minor. "

20 Section 9. A new section of Chapter 24, Article 5 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] PARTICIPATION. -- No health care provider
23 shall discriminate in any way against a person solely because
24 that person elects not to participate in the immunization
25 registry. "

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Section 10. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"[NEW MATERIAL] LIABILITY. -- Any person reporting, receiving or disclosing information to or from the immunization registry as authorized by the Immunization Act or by any rule adopted pursuant to that act shall not be liable for civil damages of any kind connected with such submission or disclosure of immunization information. "