

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:

"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:

"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 prevention and control efforts."

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

"REPORTING.--Physicians, nurses and other health care providers may report on immunization to the immunization registry unless the patient, or the patient's guardian if the patient is a minor, refuses to allow reporting of this information."

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

"ACCESS.--Access to the information in the immunization registry shall be

limited to primary care physicians, nurses, managed care organizations, school nurses and other appropriate health care providers or public health entities as determined by the secretary of health; provided that a managed care organization shall be entitled to access information only for its enrollees."

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

"USE.--The information contained in the immunization registry shall be used for the following purposes:

- A. to ensure that the registrants receive all recommended immunizations in a timely manner by providing access to the registrant's immunization record;
- B. to improve immunization rates by facilitating notice to registrants of overdue or upcoming immunizations; and
- C. to control communicable diseases by assisting in the identification of individuals who require immediate immunization in the event of a disease outbreak."

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

"RULES.--The secretary of health shall adopt rules for the immunization registry pursuant to the Immunization Act concerning the following:

- A. the implementation and maintenance of the registry;
- B. requirements for content and submission of reports of immunization to the registry;
- C. procedures for the patient, or the patient's parent or guardian if

the patient is a minor, to decline to participate in the registry;

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

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

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

G. procedures for managed care organizations to obtain summary statistics of immunization information on managed care organization members from the registry."

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

"OBLIGATIONS.--Nothing in the immunization registry is intended to affect the obligations of persons to have their children immunized pursuant to the Immunization Act."

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

"RIGHTS.--Nothing in the Immunization Act shall preclude the right of the patient, or the patient's parent or guardian if the patient is a minor, to claim exemption from immunization as defined in Section 24-5-3 NMSA 1978; nor shall anything in the Immunization Act require such patient to be included in the immunization registry if the patient, or the patient's parent or guardian if the patient

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is a minor, objects on any grounds, including that such registry conflicts with the religious belief of the patient, or the patient's parent or guardian if the patient is a minor."

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

"PARTICIPATION.--No health care provider shall discriminate in any way against a person solely because that person elects not to participate in the immunization registry."

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

"LIABILITY.--Any person reporting, receiving, using 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, use or disclosure of immunization information."