

1-1 By: Thompson of Harris (Senate Sponsor - Zaffirini) H.B. No. 3704  
1-2 (In the Senate - Received from the House May 6, 2019;  
1-3 May 13, 2019, read first time and referred to Committee on Health &  
1-4 Human Services; May 19, 2019, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3704 By: Perry

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to certain public health data maintained by the Department  
1-22 of State Health Services and shared with certain local health  
1-23 entities.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter D, Chapter 1001, Health and Safety  
1-26 Code, is amended by adding Section 1001.089 to read as follows:

1-27 Sec. 1001.089. PUBLIC HEALTH DATA. (a) In this section:

1-28 (1) "Essential public health services" has the meaning  
1-29 assigned by Section 121.002.

1-30 (2) "Local public health entity" means a local health  
1-31 unit, local health department, or public health district.

1-32 (b) Notwithstanding Sections 81.103, 82.009, 88.002(b),  
1-33 92.006, and 192.002(b), the department may enter into an agreement  
1-34 with a local public health entity that provides essential public  
1-35 health services to provide the entity access to:

1-36 (1) identified public health data relating to the  
1-37 entity's jurisdiction and any public health data relating to a  
1-38 jurisdiction contiguous to the entity; and

1-39 (2) deidentified public health data maintained by the  
1-40 department relating to the jurisdiction of any other local public  
1-41 health entity.

1-42 (c) The public health data obtained through the agreement  
1-43 may be used only in the provision of essential public health  
1-44 services.

1-45 (d) Access to public health data includes necessary  
1-46 identified public health data required for an infectious disease  
1-47 investigation conducted under Chapter 81.

1-48 (e) For any public health data request that is not subject  
1-49 to Subsection (b), (c), or (d) and except as provided by Subsection  
1-50 (f), the department shall establish a review process for the  
1-51 consideration of public health data requests relating to essential  
1-52 public health services or public health research. The process must  
1-53 evaluate:

1-54 (1) the public health benefit and purpose of the  
1-55 request;

1-56 (2) the privacy of the individuals whose data is  
1-57 requested;

1-58 (3) the management of the data by the requestor,  
1-59 including management of public health data released to the  
1-60 requestor in previous requests; and

2-1 (4) other relevant law.

2-2 (f) A local public health entity seeking public health data  
2-3 for human subject research purposes must submit a request to the  
2-4 department's institutional review board for review and  
2-5 consideration.

2-6 (g) A local public health entity receiving public health  
2-7 data from the department under this section shall:

2-8 (1) maintain the integrity and security of the data;  
2-9 and

2-10 (2) comply with state and federal privacy laws.

2-11 SECTION 2. The executive commissioner of the Health and  
2-12 Human Services Commission shall adopt rules to implement Section  
2-13 1001.089(e), Health and Safety Code, as added by this Act.

2-14 SECTION 3. This Act takes effect September 1, 2019.

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