
SENATE BILL No. 415

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-12-7; IC 16-38-5.

Synopsis: Department of health matters. Requires local boards of health to apply to the state department of health for funding from the Indiana local health department account (account). Changes distribution of funds from the account to the state department of health. (Current law provides that the auditor of state distributes the funds.) Directs distribution of the payments to the local boards of health. (Current law provides that the funds are distributed to the counties.) Beginning January 1, 2014, requires certain providers to report immunization data to the immunization data registry within 72 hours after giving an immunization, and allows for disciplinary sanctions for failure to report immunization to the registry. (Under current law, reporting is voluntary.)

Effective: July 1, 2013.

Miller Patricia

January 10, 2013, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 415



A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-12-7-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The Indiana local health
3 department account is established within the Indiana tobacco master
4 settlement agreement fund for the purpose of ~~making distributions to~~
5 ~~each county to provide~~ **providing** funding for services provided by
6 local boards of health in ~~that~~ **each** county. The account consists of:
7 (1) money required to be distributed to the account under
8 subsection (b);
9 (2) additional amounts, if any, that another statute requires to be
10 distributed to the account from the Indiana tobacco master
11 settlement agreement fund;
12 (3) appropriations to the account from other sources; and
13 (4) grants, gifts, and donations intended for deposit in the
14 account.
15 (b) Three million dollars (\$3,000,000) of the money received by the
16 state under the master settlement agreement during each calendar year
17 beginning on or after January 1, 2001, shall be distributed to the



1 account from the Indiana tobacco master settlement agreement fund.

2 (c) The account shall be administered by the state department of
3 health. Money in the account at the end of the state fiscal year does not
4 revert to the state general fund but remains available for expenditure.

5 SECTION 2. IC 4-12-7-5 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) **A local board of health
7 seeking to receive funding from the account established by section
8 4 of this chapter must file an application with the state department
9 of health before October 1 of each year:**

10 (1) specifying the planned use for the funds; and

11 (2) in a manner specified by the state department of health.

12 **The state department of health may extend the deadline for filing
13 the application required by this subsection upon a showing of good
14 cause by the local board of health.**

15 (a) ~~(b)~~ Subject to subsection ~~(b)~~ (d) and subject to review by the
16 budget committee and approval by the budget agency, ~~on July 1 of each~~
17 ~~year the auditor of state shall distribute money from the account to each~~
18 ~~county before June 1 of each year the state department of health~~
19 ~~shall allocate money in the account to each county that has at least~~
20 ~~one (1) local board of health that has submitted an application that~~
21 ~~has been approved by the state department of health.~~

22 (c) **The distribution of money allocated for a county described
23 in subsection (b) shall be made to the local board of health not later
24 than January 1 of the year following the year in which the
25 allocation is made under subsection (b). The distribution must be**
26 in the amount determined under STEP FOUR of the following formula:

27 STEP ONE: Determine the amount of money, if any, available for
28 distribution from the account.

29 STEP TWO: Subtract nine hundred twenty thousand dollars
30 (\$920,000) from the amount determined under STEP ONE.

31 STEP THREE: Multiply the STEP TWO remainder by a fraction.
32 The numerator of the fraction is the population of the county. The
33 denominator of the fraction is the population of the state.

34 STEP FOUR: Add ten thousand dollars (\$10,000) to the STEP
35 THREE product.

36 ~~(b)~~ (d) If less than nine hundred twenty thousand dollars (\$920,000)
37 is available for distribution from the account on July 1 of any year, the
38 amount of the distribution from the account to each county is
39 determined under STEP TWO of the following formula:

40 STEP ONE: Determine the amount of money, if any, available for
41 distribution from the account.

42 STEP TWO: Multiply the STEP ONE amount by a fraction. The

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1 numerator of the fraction is the population of the county. The
2 denominator of the fraction is the population of the state.

3 SECTION 3. IC 4-12-7-6 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 6. **(a)** If only one (1) local board of
5 health ~~exists~~ in a county ~~the county fiscal body shall appropriate all~~ **has**
6 **an application approved by the state department of health under**
7 **this chapter, the state department of health shall make the**
8 ~~distributions received by for~~ the county under this chapter to that local
9 board of health.

10 **(b)** If more than one (1) local board of health ~~exists~~ in a county **has**
11 **an application approved by the state department of health under**
12 **this chapter, the county fiscal body state department of health shall**
13 ~~appropriate all~~ **make the** distributions ~~received by for~~ the county ~~under~~
14 ~~this chapter~~ to those local boards of health in amounts determined by
15 the ~~county fiscal body~~: **state department of health based on the**
16 **population of the county served by the local boards of health.**

17 SECTION 4. IC 16-38-5-1, AS AMENDED BY P.L.122-2012,
18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2013]: Sec. 1. (a) The state department ~~may develop and shall~~
20 maintain an immunization data registry to collect, store, analyze,
21 release, and report immunization data.

22 (b) Data in the immunization data registry may be used only for the
23 following purposes:

- 24 (1) To assure that necessary immunizations are provided and
25 overimmunization is avoided.
- 26 (2) To assess immunization coverage rates.
- 27 (3) To determine areas of underimmunization and other
28 epidemiological research for disease control purposes.
- 29 (4) To document that required immunizations have been provided
30 as required for school or child care admission.
- 31 (5) To accomplish other public health purposes as determined by
32 the state department.

33 (c) The state department may adopt rules under IC 4-22-2
34 concerning who may input and retrieve information from the
35 immunization data registry.

36 SECTION 5. IC 16-38-5-2, AS AMENDED BY P.L.122-2012,
37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2013]: Sec. 2. (a) **Except as provided in subsection (c),** a
39 provider, a physician's designee, a pharmacist's designee, or a person
40 approved by the state department may provide immunization data to the
41 immunization data registry in a manner prescribed by the state
42 department and for the purposes allowed under this chapter. **This**

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1 subsection expires December 31, 2013.

2 (b) This subsection is effective January 1, 2014. Except as
3 provided in subsection (c), a provider who is licensed under IC 25
4 and who is authorized within the provider's scope of practice to
5 administer immunizations or the provider's designee shall provide
6 immunization data to the immunization data registry:

7 (1) not later than seventy-two (72) hours after providing the
8 immunization;

9 (2) in a manner prescribed by the state department; and

10 (3) for the purposes allowed under this chapter.

11 ~~(b)~~ ~~An exemption~~ (c) A person is exempt from providing
12 immunization data to the immunization data registry ~~shall be granted~~
13 if:

14 (1) the patient; or

15 (2) the patient's parent or guardian, if the patient is less than
16 eighteen (18) years of age;

17 has completed and filed a written immunization data exemption form
18 with either the person who provides the immunization or the state
19 department.

20 ~~(c)~~ (d) The state department shall create and provide copies of
21 immunization data exemption forms to:

22 (1) providers who are:

23 (A) licensed under IC 25; and

24 (B) authorized within the provider's scope of practice to
25 administer immunizations; and

26 (2) individuals;

27 who request the form.

28 ~~(d)~~ (e) The state department shall distribute, upon request, written
29 information to be disseminated to patients that describes the
30 immunization data registry. The written information must include the
31 following:

32 (1) That, **beginning January 1, 2014**, the provider ~~may~~ **is**
33 **required to** report immunization data to the immunization data
34 registry.

35 (2) That the patient or the patient's parent or guardian, if the
36 patient is less than eighteen (18) years of age, has a right to
37 exempt disclosure of immunization data to the registry and may
38 prevent disclosure by signing an immunization data exemption
39 form.

40 (3) That the patient or the patient's parent or guardian, if the
41 patient is less than eighteen (18) years of age, may have the
42 individual's information removed from the immunization data

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1 registry.
 2 (4) Instructions on how to have the information removed.
 3 SECTION 6. IC 16-38-5-4 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) An entity
 5 described in section 3(c) of this chapter, the state department, or an
 6 agent of the state department who in good faith provides or receives
 7 immunization information is immune from civil and criminal liability
 8 for the following:
 9 (1) Providing information to the immunization data registry.
 10 (2) Using the immunization data registry information to verify
 11 that a patient or child has received proper immunizations.
 12 (3) Using the immunization data registry information to inform a
 13 patient or the child's parent or guardian:
 14 (A) of the patient's or child's immunization status; or
 15 (B) that an immunization is due according to recommended
 16 immunization schedules.
 17 (b) A person who knowingly, intentionally, or recklessly discloses
 18 confidential information contained in the immunization data registry in
 19 violation of this chapter commits a Class A misdemeanor.
 20 **(c) This subsection is effective January 1, 2014. A person who:**
 21 **(1) is licensed under IC 25 and authorized within the**
 22 **provider's scope of practice to administer immunizations;**
 23 **(2) administers an immunization to a patient for which the**
 24 **patient or the patient's guardian has not filed a written**
 25 **immunization data exemption form under section 2(c) of this**
 26 **chapter; and**
 27 **(3) recklessly violates or fails to comply with the reporting**
 28 **requirements of this chapter;**
 29 **is subject to sanctions under IC 25-1-9-4(a)(3).**

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