

AN ACT

relating to the use of electronically readable information from a driver's license or personal identification certificate by hospitals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.126, Transportation Code, is amended by amending Subsection (b) and adding Subsections (i), (j), and (k) to read as follows:

(b) Except as provided by Subsections (d), (e), ~~and~~ (g), (i), and (j), a person commits an offense if the person:

(1) accesses or uses electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate; or

(2) compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification certificates.

(i) The prohibition provided by Subsection (b) does not apply to a hospital that accesses, uses, compiles, or maintains a database of the information to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate.

(j) Except as otherwise provided by this subsection, a hospital may not sell, transfer, or otherwise disseminate the information described by Subsection (i) to a third party for any

1 purpose, including any marketing, advertising, or promotional
2 activities. A hospital that obtains information described by
3 Subsection (i) may transfer the information only in accordance with
4 the rules implementing the federal Health Insurance Portability and
5 Accountability Act of 1996 (Pub. L. No. 104-191). A business
6 associate, and any subcontractor of the business associate who
7 receives the transferred information, may use the information only
8 to service or maintain the hospital's database of the information.

9 (k) If an individual objects to the hospital collecting the
10 individual's information from the individual's driver's license as
11 described by Subsection (i), the hospital must use an alternative
12 method for collecting the individual's information.

13 SECTION 2. This Act takes effect September 1, 2007.

David Newkirk

President of the Senate

Jim Coakley

Speaker of the House

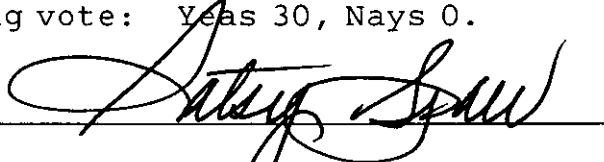
I certify that H.B. No. 1060 was passed by the House on March 28, 2007, by the following vote: Yeas 136, Nays 5, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1060 on May 18, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1060 on May 26, 2007, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

H.B. No. 1060

I certify that H.B. No. 1060 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1060 on May 26, 2007, by the following vote: Yeas 30, Nays 0.


Secretary of the Senate

APPROVED: 15 JUN 07
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7PM CLOCK


JUN 15 2007
Secretary of State