

SUBJECT: Confidentiality of rabies vaccinations records

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 5 ayes — Hardcastle, Anderson, B. Brown, Farrar, Herrero
0 nays
1 present not voting — Burnam
1 absent — Olivo

WITNESSES: For —Roland Lenarduzzi, Texas Veterinary Medical Association
Against — None
On — Gary Brantley, Texas State Veterinary Board; Eric Fonken, Department of State Health Services

BACKGROUND: In 1999, the 76th Legislature enacted HB 3262 by Uher, which added Health and Safety Code, sec. 826.0211 and made confidential any information contained in rabies vaccination certificates and in municipal or county dog and cat registries that identified the owner. The information is not subject to disclosure under the Public Information Act.

DIGEST: HB 1426 would amend Health and Safety Code, sec. 826.0211, to add any record compiled from the information in a rabies vaccine certificate to the exemption from disclosure under the Public Information Act.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS SAY: HB 1426 would close a loophole in the confidentiality laws regarding rabies vaccine records. Some municipalities require veterinarians to turn over their vaccination records to the city. Information in these records also contains personal information concerning pet owners. Certain businesses request this information under the open records law. In an informal letter

before 1999, the attorney general determined that the information was protected as a trade secret and could not be released. HB 3262, enacted in 1999, clarified that these individuals' records are confidential and prohibited disclosure of personal information contained in them. However, the informal letter did not include databases compiled from information contained in the certificates and some counties and cities have provided databases with the records in them.

This information should be confidential because it could be used inappropriately. Some companies want the information in these databases so they can solicit pet owners, sending them information about the products and services at local pet stores or informing them of other pet medications, for example. In addition, the veterinarian's license number may be on the vaccine record, which could be used fraudulently to call in prescriptions.

**OPPONENTS
SAY:**

Information about business clients, such as names and addresses, do not constitute a trade secret. HB 1426 would protect one particular industry's access to their clients to prevent competition. Information contained in the records that would constitute a trade secret already is exempted from the open records law.