

By: Leach

H.B. No. 3222

A BILL TO BE ENTITLED

AN ACT

relating to claiming an exemption from required immunizations for school students.

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

SECTION 1. Sections 161.0041(c), (d), and (e), Health and Safety Code, are amended to read as follows:

(c) The department shall develop a blank affidavit form to be used by a person claiming an exemption from a required immunization under this section and make the affidavit form available in a printable format on the department's Internet website and in all school nurse offices. A person claiming an exemption from a required immunization [~~under this section~~] may also [~~only~~] obtain the affidavit form by submitting a written request for the affidavit form to the department. A person may not be required to provide any information to obtain a blank affidavit form under this subsection.

(d) [~~The department shall develop a blank affidavit form that contains a seal or other security device to prevent reproduction of the form.~~] The affidavit form shall contain a statement indicating that the person or, if a minor, the person's parent, managing conservator, or guardian understands the benefits and risks of immunizations and the benefits and risks of not being immunized.

(e) The department may [~~shall~~] maintain a record of the

1 total number of times an affidavit form was accessed on the  
2 department's Internet website or requested under Subsection (c)  
3 ~~[forms sent out each year and shall report that information to the~~  
4 ~~legislature each year]~~. The department may not maintain a record of  
5 the names of individuals who download, access, request, or submit  
6 an affidavit form under this section.

7 SECTION 2. As soon as practicable after the effective date  
8 of this Act, the Department of State Health Services shall modify  
9 the existing affidavit form required by Section 161.0041, Health  
10 and Safety Code, as amended by this Act.

11 SECTION 3. This Act applies beginning with the 2021-2022  
12 school year.

13 SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2021.