

Amend CSHB 2292 by adding the following appropriately numbered SECTIONS to Article 2 of the bill and renumbering the remaining SECTIONS of the bill as appropriate:

SECTION _____. Section 38.001, Education Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) Immunization is not required for a person's admission to any elementary or secondary school if the person applying for admission:

(1) submits to the admitting official:

(A) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States, in which it is stated that, in the physician's opinion, the immunization required could ~~would~~ be injurious to the health and well-being of the applicant or any member of the applicant's family or household; or

(B) an affidavit signed by the applicant or, if a minor, by the applicant's parent or guardian stating that the applicant declines immunization for reasons of conscience, where the applicant's sibling had an adverse reaction to the immunization, or because of a religious belief ~~[conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member, except that this exemption does not apply in times of emergency or epidemic declared by the commissioner of public health]~~; or

(2) is a member of the armed forces of the United States and is on active duty.

(f) A person who has not received the immunizations required by this section for reasons of conscience, where the person's sibling had an adverse reaction to the immunization, or because of the person's religious beliefs may be excluded from school in times of emergency or epidemic declared by the commissioner of public health.

SECTION _____. Section 51.933(d), Education Code, is amended to read as follows:

(d) No form of immunization is required for a person's admission to an institution of higher education if the person

applying for admission:

(1) submits to the admitting official:

(A) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine within the United States in which it is stated that, in the physician's opinion, the immunization required could ~~[would]~~ be injurious to the health and well-being of the applicant or any member of the applicant's family or household; or

(B) an affidavit signed by the applicant or, if a minor, by the applicant's parent or guardian stating that the applicant declines immunization for reasons of conscience, where the applicant's sibling had an adverse reaction to the immunization, or because of a religious belief ~~[conflicts with the tenets and practice of a recognized church or religious denomination of which the applicant is an adherent or member]~~; or

(2) is a member of the armed forces of the United States and is on active duty.

SECTION _____. Section 161.004(d), Health and Safety Code, is amended to read as follows:

(d) A child is exempt from an immunization required by this section if:

(1) ~~[immunization conflicts with the tenets of an organized religion to which]~~ a parent, managing conservator, or guardian states that the immunization is being declined for reasons of conscience, where the child's sibling had an adverse reaction to the immunization, or because of a religious belief ~~[belongs]~~; or

(2) the immunization is medically contraindicated based on the opinion of ~~[an examination of the child by]~~ a physician licensed by any state in the United States who has examined the child.

SECTION _____. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0041 to read as follows:

Sec. 161.0041. IMMUNIZATION EXEMPTION AFFIDAVIT FORM. (a) A person claiming an exemption from a required immunization based on reasons of conscience, where the person's sibling had an adverse reaction to the immunization, or because of a religious belief under Section 161.004 of this code, Section 38.001 or 51.933,

Education Code, or Section 42.043, Human Resources Code, must complete an affidavit on a form provided by the department stating the reason for the exemption. The department shall develop the affidavit form.

(b) The affidavit form shall contain:

(1) 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; and

(2) contact information for the department that may be used to request that a child's name be included in the registry.

SECTION____. Section 42.043(d), Human Resources Code, is amended to read as follows:

(d) No immunization may be required for admission to a facility regulated under this chapter if a person applying for a child's admission submits one of the following affidavits:

(1) an affidavit signed by a licensed physician stating that the immunization could ~~[would]~~ be injurious to the health and well-being of the child or a member of the child's family or household; or

(2) an affidavit signed by the child's parent or guardian stating that the applicant declines immunization for reasons of conscience, where the child's sibling had an adverse reaction to the immunization, or because of a religious belief ~~[conflicts with the tenets and practices of a recognized religious organization of which the applicant is an adherent or a member]~~.