

BILL ANALYSIS

Senate Research Center

S.B. 486
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Health & Human Services
7/8/2003
Enrolled

DIGEST AND PURPOSE

Currently, Texas ranks poorly in relation to other states in its rate of early childhood immunization. The Texas Department of Health (TDH) has attributed poor parental education and concerns from private health care professionals about increased liability associated with the participation in public immunization programs as factors related to the state's poor immunization rates. S.B. 486 requires TDH and the Texas Education Agency to work together to increase immunization awareness and participation among parents of preschool and school age children. This legislation also allows private providers to participate in early childhood immunization programs without fear of increased liability.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Sections 161.010 and 161.0105, as follows:

Sec. 161.010. INCREASE IMMUNIZATION AWARENESS. (a) Requires the Texas Department of Health (TDH) to develop new public-private partnerships and work with existing public-private partnership programs, including the Seniors and Volunteers Program for Childhood Immunization, to increase public and private awareness of and support for early childhood immunizations.

(b) Requires TDH to work with the Texas Education Agency (TEA) to increase immunization awareness and participation among parents of preschool and school-aged children by performing certain actions relating to applying for federal funds and creating partnerships between certain public and private entities.

Sec. 161.0105. LIMITATION ON LIABILITY. (a) Provides that a health care provider who acts in compliance with Sections 161.007 and 161.008 and any rules adopted under those sections is not civilly or criminally liable for furnishing the information required under those sections. Provides that this subsection does not apply to criminal liability established under Section 161.009.

(b) Prohibits a person who administers a vaccination under a TDH program from being held liable only to the extent the person would be liable if the person administered the vaccination outside the program. Provides that the person is not liable for damages arising from the acts or omissions of another person acting under the program or TDH.

(c) Provides that the immunity created by this section is in addition to any immunity created by Sections 161.001 and 161.007(g).

SECTION 2. Amends Chapter 2056, Government Code, by adding Section 2056.0022, as follows:

Sec. 2056.0022. IMMUNIZATIONS AWARENESS. (a) Requires each state agency that has contact with families in this state either in person or by telephone, mail, or the Internet to include in the agency's strategic plan a strategy for increasing public awareness of the need for early childhood immunizations.

(b) Requires TDH to identify the state agencies to which this sections applies and notify the agencies of their duty under this section.

SECTION 3. Effective date: September 1, 2003.