

BILL ANALYSIS

S.B. 486
By: Zaffirini
Public Health
Committee Report (Unamended)

BACKGROUND 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 this low immunization rate to several factors. Those factors include poor parental education and concerns from private healthcare professionals about increased liability associated with the participation in public immunization programs. As proposed, 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

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Requires the Texas Department of Health to develop new public-private partnerships and work with existing public-private partnerships to increase public and private awareness of and support for early childhood immunizations. The proposed bill further requires the department to work with the Texas Education Agency to increase awareness and participation among parents of preschool and school-age children by performing certain actions relating to applying for federal funds and creating partnerships between certain public and private entities. The proposed bill sets forth a limitation on liability for any 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. However, this limitation does not apply to criminal liability established under Section 161.009. The proposed bill provides that a person administering vaccinations under a department program is liable only to the extent that they would be liable if they had administered the vaccine outside of the program. Provides that a person is not liable for damages arising from the acts or omissions of another person acting under the program or the department. Provides that the immunity created by this section is in addition to any immunity created by Sections 161.001 and 161.007(g).

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. TDH is required to identify the state agencies to which this section applies and notify the agencies of their duty under this section.

EFFECTIVE DATE

September 1, 2003