

BILL ANALYSIS

C.S.H.B. 1059
By: Parker
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Each year more than 200,000 individuals nationwide are hospitalized as a result of influenza or complications derived from influenza. In the past 3 flu seasons alone, more than 225 children in the United States have died due to influenza. So far in 2007, 4 Texas children age 16 and younger have tragically died from influenza, 3 of whom had not received an influenza vaccination. Whether the fourth victim had received an influenza vaccination is undetermined at the present time.

One purpose of CSHB 1059 is to increase education and awareness concerning the importance of vaccinations by requiring the Department of State Health Services to prepare a list of immunizations required for admission to public schools, as well as any additional immunizations the Department recommends for school-age children.

Another purpose of the bill is to establish an immunization awareness program at the local level by requiring a school district that maintains an Internet website to post a list of required and recommended immunizations, as well as a list of health clinics in the district that offer the influenza vaccine, to the extent such information is known to the district.

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. However, the bill does make a conforming change which reflects that certain rulemaking authority previously vested in the Texas Department of Health is currently vested in the Department of State Health Services.

ANALYSIS

The bill is to be cited as the Emily Lastinger Act.

The bill directs the Department of State Health Services to annually prepare a list of immunizations required for admission to public schools and of any additional immunizations the department recommends for school-age children. The list is to be made available in a manner than permits a school district to easily post the list on the district's internet website.

The bill requires a school district that maintains an internet website to prominently post the following information on their website:

- a list of immunizations required by rules of the Department of State Health Services for admission to public school,
- any immunizations or vaccines not required for admission for public school but recommended by either the Department of State Health Services or the district school board, which must include the influenza vaccine, unless the department requires such vaccine for admission.
- to the extent that the information is known, a list of health clinics in the district that offer the influenza vaccine.

The bill further provides that a school district is not liable for an injury received by a student because of the administration by a district employee or volunteer of an immunization or vaccine that is required or recommended for public school students.

The bill provides that Section 38.019, Education Code, as added by this Act, applies beginning with the 2007-2008 school year.

The bill changes references to the Texas Board of Health and the Texas Department of Health in current law to the Department of State Health Services, in conformance with Legislative Council drafting guidelines.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds a provision that the Act may be cited as the Emily Lastinger Act.

The substitute adds the provision requiring the Department of State Health Services to annually prepare a list of immunizations required for admission to public schools and of any additional immunizations the department recommends for school-age children, and providing that the list is to be made available in a manner that permits a school district to easily post the list on the district's internet website.

The substitute deletes two references in the original bill relating to immunizations or vaccines required by a school board for admission to public school.

The substitute amends the original by providing that districts must list the location of clinics that administer the influenza vaccination only to the extent that those clinics are known to the district.

The substitute adds the provision described above in the analysis section relating to a district's immunity from liability.