

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1098
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Executive Order RP65 (February 2, 2007), Governor Perry mandated that all female children be vaccinated against human papilloma virus (HPV) prior to admission to the sixth grade with provisions for a parent to opt out. There is only one vaccine currently available on the market to meet this mandate and its effectiveness and long-term effects remain unclear. While this order brings much-needed focus to a serious infection, some believe such a vaccine requirement is premature and potentially puts at risk the health and safety of young girls.

C.S.H.B. 1098 prohibits the immunization against HPV from being a condition for admission to any elementary or secondary school and preempts all contrary executive orders.

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 Section 38.001, Education Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Authorizes the executive commissioner of the Health and Human Services Commission (HHSC), rather than the Texas Board of Health, to modify, delete, or require certain immunizations for admission to any elementary or secondary school, subject to Subsections (b-1) and (c) (relating to certain persons for which specific immunizations are not required upon admission to an elementary or secondary school), rather than just Subsection (c).

(b-1) Provides that immunization against the human papillomavirus (HPV) is not required for a person's admission to any elementary or secondary school. Requires HHSC, by using existing resources, to provide educational material about the HPV vaccine that is unbiased, medically and scientifically accurate, and peer reviewed, available to parents or legal guardians at the appropriate time in the immunization schedule by the appropriate school. Provides that this subsection preempts all contrary executive orders of the governor. Provides that this subsection expires January 11, 2011.

SECTION 2. Effective date: upon passage or September 1, 2007.