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H.B. No. 1059

A BILL TO BE ENTITLED

AN ACT

relating to an immunization awareness program in certain school districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Emily Lastinger Act.

SECTION 2. Section 38.001, Education Code, is amended by amending Subsections (b), (d), and (e) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsection (c), the Department of State [~~Texas Board of~~] Health Services may modify or delete any of the immunizations in Subsection (a) or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school.

(b-1) Each year, the Department of State Health Services shall prepare a list of the immunizations required under this section for admission to public schools and of any additional immunizations the department recommends for school-age children. The department shall prepare the list in English and Spanish and make the list available in a manner that permits a school district to easily post the list on the district's Internet website as required by Section 38.019.

(d) The [~~Texas~~] Department of State Health Services shall provide the required immunization to children in areas where no local provision exists to provide those services.

1 (e) A person may be provisionally admitted to an elementary
2 or secondary school if the person has begun the required
3 immunizations and if the person continues to receive the necessary
4 immunizations as rapidly as is medically feasible. The [~~Texas~~]
5 Department of State Health Services shall adopt rules relating to
6 the provisional admission of persons to an elementary or secondary
7 school.

8 SECTION 3. Subchapter A, Chapter 38, Education Code, is
9 amended by adding Section 38.019 to read as follows:

10 Sec. 38.019. IMMUNIZATION AWARENESS PROGRAM. (a) A school
11 district that maintains an Internet website shall post prominently
12 on the website:

13 (1) a list, in English and Spanish, of:

14 (A) the immunizations required for admission to
15 public school by rules of the Department of State Health Services
16 adopted under Section 38.001;

17 (B) any immunizations or vaccines recommended
18 for public school students by the Department of State Health
19 Services; and

20 (C) health clinics in the district that offer the
21 influenza vaccine, to the extent those clinics are known to the
22 district; and

23 (2) a link to the Department of State Health Services
24 Internet website where a person may obtain information relating to
25 the procedures for claiming an exemption from the immunization
26 requirements of Section 38.001.

27 (a-1) The link to the Department of State Health Services

1 Internet website provided under Subsection (a)(2) must be presented
2 in the same manner as the information provided under Subsection
3 (a)(1).

4 (b) The list of recommended immunizations or vaccines under
5 Subsection (a)(2) must include the influenza vaccine, unless the
6 Department of State Health Services requires the influenza vaccine
7 for admission to public school.

8 SECTION 4. Section 38.019, Education Code, as added by this
9 Act, applies beginning with the 2007-2008 school year.

10 SECTION 5. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2007.