

By: Parker, Truitt, Zedler, Laubenberg,
et al.

H.B. No. 1059

Substitute the following for H.B. No. 1059:

By: Dutton

C.S.H.B. No. 1059

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an immunization awareness program in certain school
3 districts.

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

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

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

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

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

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

24 (e) A person may be provisionally admitted to an elementary

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

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

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

12 (1) the immunizations required for admission to public
13 school by rules of the Department of State Health Services adopted
14 under Section 38.001;

15 (2) any immunizations or vaccines recommended for
16 public school students by the Department of State Health Services
17 or the board of trustees of the district; and

18 (3) health clinics in the district that offer the
19 influenza vaccine, to the extent those clinics are known to the
20 district.

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

25 (c) A school district is not liable for an injury received
26 by a student because of the administration by a district employee or
27 volunteer of an immunization or vaccine that is required or

1 recommended for public school students.

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

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