

1-1 By: Parker, et al. (Senate Sponsor - Nelson) H.B. No. 1059  
1-2 (In the Senate - Received from the House April 16, 2007;  
1-3 April 17, 2007, read first time and referred to Committee on Health  
1-4 and Human Services; April 26, 2007, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; April 26, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to an immunization awareness program in certain school  
1-9 districts.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. This Act may be cited as the Emily Lastinger Act.

1-12 SECTION 2. Section 38.001, Education Code, is amended by  
1-13 amending Subsections (b), (d), and (e) and adding Subsection (b-1)  
1-14 to read as follows:

1-15 (b) Subject to Subsection (c), the Department of State  
1-16 [Texas Board of] Health Services may modify or delete any of the  
1-17 immunizations in Subsection (a) or may require immunizations  
1-18 against additional diseases as a requirement for admission to any  
1-19 elementary or secondary school.

1-20 (b-1) Each year, the Department of State Health Services  
1-21 shall prepare a list of the immunizations required under this  
1-22 section for admission to public schools and of any additional  
1-23 immunizations the department recommends for school-age children.  
1-24 The department shall prepare the list in English and Spanish and  
1-25 make the list available in a manner that permits a school district  
1-26 to easily post the list on the district's Internet website as  
1-27 required by Section 38.019.

1-28 (d) The [Texas] Department of State Health Services shall  
1-29 provide the required immunization to children in areas where no  
1-30 local provision exists to provide those services.

1-31 (e) A person may be provisionally admitted to an elementary  
1-32 or secondary school if the person has begun the required  
1-33 immunizations and if the person continues to receive the necessary  
1-34 immunizations as rapidly as is medically feasible. The [Texas]  
1-35 Department of State Health Services shall adopt rules relating to  
1-36 the provisional admission of persons to an elementary or secondary  
1-37 school.

1-38 SECTION 3. Subchapter A, Chapter 38, Education Code, is  
1-39 amended by adding Section 38.019 to read as follows:

1-40 Sec. 38.019. IMMUNIZATION AWARENESS PROGRAM. (a) A school  
1-41 district that maintains an Internet website shall post prominently  
1-42 on the website:

1-43 (1) a list, in English and Spanish, of:

1-44 (A) the immunizations required for admission to  
1-45 public school by rules of the Department of State Health Services  
1-46 adopted under Section 38.001;

1-47 (B) any immunizations or vaccines recommended  
1-48 for public school students by the Department of State Health  
1-49 Services; and

1-50 (C) health clinics in the district that offer the  
1-51 influenza vaccine, to the extent those clinics are known to the  
1-52 district; and

1-53 (2) a link to the Department of State Health Services  
1-54 Internet website where a person may obtain information relating to  
1-55 the procedures for claiming an exemption from the immunization  
1-56 requirements of Section 38.001.

1-57 (a-1) The link to the Department of State Health Services  
1-58 Internet website provided under Subsection (a)(2) must be presented  
1-59 in the same manner as the information provided under Subsection  
1-60 (a)(1).

1-61 (b) The list of recommended immunizations or vaccines under  
1-62 Subsection (a)(2) must include the influenza vaccine, unless the  
1-63 Department of State Health Services requires the influenza vaccine  
1-64 for admission to public school.

2-1 SECTION 4. Section 38.019, Education Code, as added by this  
2-2 Act, applies beginning with the 2007-2008 school year.

2-3 SECTION 5. This Act takes effect immediately if it receives  
2-4 a vote of two-thirds of all the members elected to each house, as  
2-5 provided by Section 39, Article III, Texas Constitution. If this  
2-6 Act does not receive the vote necessary for immediate effect, this  
2-7 Act takes effect September 1, 2007.

2-8

\* \* \* \* \*