

By: Howard of Fort Bend

H.B. No. 2326

A BILL TO BE ENTITLED

AN ACT

relating to immunization requirements for children.

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

SECTION 1. Section 81.023, Health and Safety Code, is amended to read as follows:

Sec. 81.023. IMMUNIZATION. (a) The executive commissioner of the Health and Human Services Commission may recommend to the legislature immunizations that may be added to the list of required immunizations [~~board shall develop immunization requirements~~] for children under Section 161.004, Sections 38.001 and 51.933, Education Code, and Section 42.043, Human Resources Code.

(b) Control measures imposed by the department or a local health authority under Section 81.082 during a public health disaster may require immunizations other than those listed in Section 161.004 only if the public health disaster occurs when the legislature is not in session. If the legislature is called to session during the disaster, the control measures requiring immunizations have no effect unless the legislature approves the control measures by joint resolution.

(c) The executive commissioner of the Health and Human Services Commission [~~board~~] shall cooperate with the Department of Family and Protective [~~and Regulatory~~] Services in promoting [~~formulating and implementing~~] the immunization requirements for children admitted to child-care facilities.

1 (d) [~~(c)~~] The executive commissioner of the Health and
2 Human Services Commission [~~board~~] shall cooperate with the State
3 Board of Education in promoting the [~~formulating and implementing~~]
4 immunization requirements for students admitted to public or
5 private primary or secondary schools.

6 SECTION 2. Section 161.004(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) Except as provided by Subsection (d), each [~~Every~~] child
9 in the state shall be immunized against hepatitis B, diphtheria,
10 tetanus, pertussis, influenza, haemophilus influenzae type b,
11 pneumococcal disease, poliomyelitis, rubeola, mumps, rubella,
12 varicella, hepatitis A, and meningococcal disease [~~vaccine~~
13 ~~preventable diseases caused by infectious agents~~] in accordance
14 with the [~~immunization~~] schedule adopted by the executive
15 commissioner of the Health and Human Services Commission. The
16 executive commissioner of the Health and Human Services Commission
17 may not require immunizations against any additional diseases
18 [~~board~~].

19 SECTION 3. Sections 38.001(a), (b), and (f), Education
20 Code, are amended to read as follows:

21 (a) Except as provided by Subsection (c), each [~~Each~~]
22 student shall be fully immunized against diphtheria, rubeola,
23 rubella, mumps, tetanus, pertussis, varicella, hepatitis B, and
24 poliomyelitis and, for students attending a school in a
25 high-incidence geographic area as determined by the executive
26 commissioner of the Health and Human Services Commission, hepatitis
27 A [~~, except as provided by Subsection (c)~~].

1 (b) The executive commissioner of the Health and Human
2 Services Commission [~~Subject to Subsection (c), the Texas Board of~~
3 ~~Health~~] may not modify or delete any of the immunizations in
4 Subsection (a) and [~~or~~] may not require immunizations against
5 additional diseases as a requirement for admission to any
6 elementary or secondary school.

7 (f) A person who has not received the immunizations required
8 by this section for reasons of conscience, including because of the
9 person's religious beliefs, may be excluded from school in times of
10 a public health disaster as defined by Section 81.003, Health and
11 Safety Code [~~emergency or epidemic declared by the commissioner of~~
12 ~~public health~~].

13 SECTION 4. Sections 51.933(b) and (e), Education Code, are
14 amended to read as follows:

15 (b) The executive commissioner of the Health and Human
16 Services Commission [~~Texas Board of Health~~] may not require
17 immunizations against [~~the diseases listed in Subsection (a) and~~
18 additional diseases for students at any institution of higher
19 education [~~who are pursuing a course of study in a human or animal~~
20 ~~health profession, and the board may require those immunizations~~
21 ~~for any students in times of an emergency or epidemic in a county~~
22 ~~where the commissioner of public health has declared such an~~
23 ~~emergency or epidemic~~].

24 (e) A person who has not received the immunizations required
25 by this section for reasons of conscience, including because of the
26 person's religious beliefs, may be excluded from school in times of
27 a public health disaster as defined by Section 81.003, Health and

1 Safety Code. [~~The exception provided by Subsection (d)(1)(B) does~~
2 ~~not apply in a time of emergency or epidemic declared by the~~
3 ~~commissioner of public health.~~]

4 SECTION 5. Sections 42.043(b) and (c), Human Resources
5 Code, are amended to read as follows:

6 (b) Each [~~The department shall require that each~~] child at
7 an appropriate age shall [~~have a test for tuberculosis and~~] be
8 immunized against diphtheria, tetanus, pertussis, poliomyelitis,
9 mumps, rubella, rubeola, haemophilus influenzae type b, hepatitis
10 B, varicella, [~~invasive~~] pneumococcal disease, and hepatitis A [~~and~~
11 ~~against any other communicable disease~~] as recommended by the
12 Department of State Health Services. The immunization must be
13 effective on the date of first entry into the facility. However, a
14 child may be provisionally admitted if the required immunizations
15 have begun and are completed as rapidly as medically feasible.

16 (c) The executive commissioner of the Health and Human
17 Services Commission [~~Texas Department of Health~~] shall make rules
18 for the provisional admission of children to facilities regulated
19 under this chapter. The executive commissioner of the Health and
20 Human Services Commission [~~and~~] may not modify or delete any of the
21 immunizations listed in Subsection (b) [~~of this section~~] or require
22 additional immunizations as a requirement for admission to a
23 facility.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2007.