

1-1 By: Nelson S.B. No. 1328  
1-2 (In the Senate - Filed March 4, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 6, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 6, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1328 By: Nelson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to a study on the feasibility of providing vaccines to  
1-11 first responders deployed to a disaster area.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. (a) In this Act:

1-14 (1) "Department" means the Department of State Health  
1-15 Services.

1-16 (2) "Disaster" means:

1-17 (A) a public health disaster as defined by  
1-18 Section 81.003, Health and Safety Code;

1-19 (B) a natural or man-made disaster;

1-20 (C) a terrorist attack;

1-21 (D) a hostile military or paramilitary action;

1-22 (E) an extraordinary law enforcement emergency;

1-23 or

1-24 (F) any other state of disaster declared under  
1-25 Chapter 418, Government Code.

1-26 (3) "First responder" has the meaning assigned by  
1-27 Section 421.095, Government Code.

1-28 (b) The department shall conduct a study to determine the  
1-29 feasibility of providing vaccines to:

1-30 (1) a first responder who may be exposed to  
1-31 vaccine-preventable diseases during the responder's deployment to  
1-32 a disaster area; and

1-33 (2) the immediate family members of a first responder  
1-34 to whom the first responder may transmit a vaccine-preventable  
1-35 disease after deployment to a disaster area.

1-36 (c) The study must consider the feasibility of providing the  
1-37 following vaccines:

1-38 (1) the hepatitis B vaccine for first responders who  
1-39 may be in direct contact with blood and other bodily fluids;

1-40 (2) a tetanus-containing vaccine; and

1-41 (3) other vaccines or biologicals recommended by the  
1-42 Centers for Disease Control and Prevention for disasters.

1-43 (d) The department shall:

1-44 (1) assess the vaccination status of first responders  
1-45 and their immediate family members in this state;

1-46 (2) assess workplace immunization policies and  
1-47 insurance coverage for first responders;

1-48 (3) make recommendations on educating first  
1-49 responders and their immediate family members about available  
1-50 options to obtain immunization services, regardless of insurance  
1-51 coverage;

1-52 (4) assess the current ability of the department, in  
1-53 conjunction with local health departments, to provide vaccines to  
1-54 first responders and their immediate family members who are  
1-55 uninsured or underinsured;

1-56 (5) identify and recommend funding sources for the  
1-57 procurement of recommended vaccines for first responders and their  
1-58 immediate family members who are uninsured or underinsured; and

1-59 (6) evaluate the potential use and cost of providing  
1-60 other biologicals, such as immune globulin, to be used in  
1-61 conjunction with vaccines to prevent the spread of  
1-62 vaccine-preventable diseases.

1-63 (e) The statewide wellness coordinator designated under

2-1 Subsection (a), Section 664.053, Government Code, shall assist the  
2-2 department in obtaining data from state agencies that employ first  
2-3 responders by:

2-4 (1) consulting with the wellness liaison identified  
2-5 under Subsection (d), Section 664.053, Government Code, for a state  
2-6 agency that employs first responders to gain study-related  
2-7 information from the state agency;

2-8 (2) assessing the readiness of each state agency to  
2-9 administer vaccines to the agency's first responders before  
2-10 deployment to a disaster area; and

2-11 (3) providing to the department appropriate  
2-12 information from state agencies regarding the current immunization  
2-13 policies of those agencies.

2-14 (f) A state agency that provides data to the department for  
2-15 purposes of the study shall ensure that the data does not identify a  
2-16 first responder or family member of a first responder to whom the  
2-17 data pertains.

2-18 (g) Not later than August 1, 2011, the department shall  
2-19 submit to the legislature a written report containing the findings  
2-20 of the study and the department's recommendations.

2-21 (h) This section expires September 1, 2011.

2-22 SECTION 2. This Act takes effect immediately if it receives  
2-23 a vote of two-thirds of all the members elected to each house, as  
2-24 provided by Section 39, Article III, Texas Constitution. If this  
2-25 Act does not receive the vote necessary for immediate effect, this  
2-26 Act takes effect September 1, 2009.

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