

## **BILL ANALYSIS**

Senate Research Center

S.B. 64  
By: Nelson; Lucio  
Health & Human Services  
7/2/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 64 is intended to protect children enrolled at child-care facilities and child-care facility employees from vaccine-preventable diseases. This bill will:

- require that licensed child-care facilities other than in the home of director, owner, operator, or caretaker of the facility, have a policy in place specifying which of the vaccines recommended by the Centers for Disease Control and Prevention should be received by employees based on the level of risk they present to children enrolled in the center;
- require that the policy include exemptions for medical reasons; and
- allow a child-care facility to exempt employees for reasons of conscience.

S.B. 64 amends current law relating to a policy on vaccine-preventable diseases for licensed child-care facilities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 42.04305, Human Resources Code) and SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.04305, as follows:

Sec. 42.04305. VACCINE-PREVENTABLE DISEASE POLICY REQUIRED. (a) Defines "facility employee" and "vaccine-preventable diseases" in this section.

(b) Requires each child-care facility, other than a facility that provides care in the home of the director, owner, operator, or caretaker of the facility, to develop and implement a policy to protect the children in its care from vaccine-preventable diseases.

(c) Requires that the policy:

(1) require each employee of a child-care facility to receive vaccines for the vaccine-preventable diseases specified by the child-care facility based on the level of risk the employee presents to children by the employee's routine and direct exposure to children;

(2) specify the vaccines a facility employee is required to receive based on the level of risk the employee presents to children by the employee's routine and direct exposure to children;

(3) include procedures for verifying whether a facility employee has complied with the policy;

(4) include procedures for a facility employee to be exempt from the required vaccines for the medical conditions identified as contraindications or precautions by the Centers for Disease Control and Prevention;

(5) for a facility employee who is exempt from the required vaccines, include procedures the employee must follow to protect children in the facility's care from exposure to disease, such as the use of protective medical equipment, including gloves and masks, based on the level of risk the employee presents to children by the employee's routine and direct exposure to children;

(6) prohibit discrimination or retaliatory action against a facility employee who is exempt from the required vaccines for the medical conditions identified as contraindications or precautions by the Centers for Disease Control and Prevention, except that required use of protective medical equipment, including gloves and masks, may not be considered retaliatory action for purposes of this subdivision;

(7) require the child-care facility to maintain a written or electronic record of each facility employee's compliance with or exemption from the policy; and

(8) state the disciplinary actions the child-care facility is authorized to take against a facility employee who fails to comply with the policy.

(d) Requires that the policy include procedures for a facility employee to be exempt from the required vaccines based on reasons of conscience, including a religious belief.

(e) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules necessary to implement this section.

SECTION 2. Requires the executive commissioner, not later than June 1, 2014, to adopt the rules necessary to implement Section 42.04305, Human Resources Code, as added by this Act.

SECTION 3. Provides that, notwithstanding Section 42.04305, Human Resources Code, as added by this Act, a child-care facility subject to that section is not required to have a policy on vaccine-preventable diseases in effect until September 1, 2014.

SECTION 4. Effective date: September 1, 2013.