

BILL ANALYSIS

S.B. 64
By: Nelson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that increased protections from vaccine-preventable diseases are necessary for children enrolled at certain child-care facilities and for child-care facility employees. S.B. 64 seeks to address this issue by establishing requirements for a policy on vaccine-preventable diseases for certain licensed child-care facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 1 and 2 of this bill.

ANALYSIS

S.B. 64 amends the Human Resources Code to require each child-care facility, other than a facility that provides care in the home of the facility's director, owner, operator, or caretaker, to develop and implement a policy to protect the children in its care from vaccine-preventable diseases, defined in the bill as the diseases included in the most current recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (CDC). The bill requires the policy to meet the following requirements:

- require each facility employee 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;
- specify the vaccines a facility employee is required to receive based on such risk;
- include procedures for verifying whether a facility employee has complied with the policy;
- include procedures for a facility employee to be exempt from the required vaccines for medical conditions identified as contraindications or precautions by the CDC;
- include procedures that a facility employee who is exempt from the required vaccines 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;
- prohibit discrimination or retaliatory action against a facility employee who is exempt from the required vaccines, except that required use of protective medical equipment may not be considered retaliatory action in such a case;
- 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
- state the disciplinary actions the child-care facility is authorized to take against a facility employee who fails to comply with the policy.

S.B. 64 authorizes the policy to include procedures for a facility employee to be exempt from the required vaccines based on reasons of conscience, including a religious belief. The bill requires the executive commissioner of the Health and Human Services Commission, not later than June 1, 2014, to adopt rules to implement the bill's provisions. The bill specifies that a child-care facility is not required to have a vaccine-preventable diseases policy until September 1, 2014.

EFFECTIVE DATE

September 1, 2013.