

AN ACT

relating to a policy on vaccine-preventable diseases for licensed child-care facilities.

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

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.04305 to read as follows:

Sec. 42.04305. VACCINE-PREVENTABLE DISEASE POLICY REQUIRED. (a) In this section:

(1) "Facility employee" means an employee of a child-care facility.

(2) "Vaccine-preventable diseases" means the diseases included in the most current recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

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

(c) The policy must:

(1) 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;

(2) specify the vaccines a facility employee is

1 required to receive based on the level of risk the employee presents
2 to children by the employee's routine and direct exposure to
3 children;

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

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

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

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

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

26 (8) state the disciplinary actions the child-care
27 facility is authorized to take against a facility employee who

1 fails to comply with the policy.

2 (d) The policy shall include procedures for a facility
3 employee to be exempt from the required vaccines based on reasons of
4 conscience, including a religious belief.

5 (e) The executive commissioner shall adopt rules necessary
6 to implement this section.

7 SECTION 2. Not later than June 1, 2014, the executive
8 commissioner of the Health and Human Services Commission shall
9 adopt the rules necessary to implement Section 42.04305, Human
10 Resources Code, as added by this Act.

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

15 SECTION 4. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 64 passed the Senate on March 13, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2013, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 64 passed the House, with amendment, on May 15, 2013, by the following vote: Yeas 113, Nays 32, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor