

By: Nelson, et al.  
(Zerwas)

S.B. No. 64

A BILL TO BE ENTITLED

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 may 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.