

By: Nelson

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 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 required to receive based on the level of risk the employee presents

1 to children by the employee's routine and direct exposure to
2 children;

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

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

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

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

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

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

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

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

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

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

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