

1-1 By: Nelson, Lucio S.B. No. 64  
1-2 (In the Senate - Filed November 12, 2012; January 28, 2013,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 4, 2013, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 March 4, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 64 By: Nelson

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to a policy on vaccine-preventable diseases for licensed  
1-22 child-care facilities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter C, Chapter 42, Human Resources Code,  
1-25 is amended by adding Section 42.04305 to read as follows:

1-26 Sec. 42.04305. VACCINE-PREVENTABLE DISEASE POLICY REQUIRED.

1-27 (a) In this section:

1-28 (1) "Facility employee" means an employee of a  
1-29 child-care facility.

1-30 (2) "Vaccine-preventable diseases" means the diseases  
1-31 included in the most current recommendations of the Advisory  
1-32 Committee on Immunization Practices of the Centers for Disease  
1-33 Control and Prevention.

1-34 (b) Each child-care facility, other than a facility that  
1-35 provides care in the home of the director, owner, operator, or  
1-36 caretaker of the facility, shall develop and implement a policy to  
1-37 protect the children in its care from vaccine-preventable diseases.

1-38 (c) The policy must:

1-39 (1) require each facility employee to receive vaccines  
1-40 for the vaccine-preventable diseases specified by the child-care  
1-41 facility based on the level of risk the employee presents to  
1-42 children by the employee's routine and direct exposure to children;

1-43 (2) specify the vaccines a facility employee is  
1-44 required to receive based on the level of risk the employee presents  
1-45 to children by the employee's routine and direct exposure to  
1-46 children;

1-47 (3) include procedures for verifying whether a  
1-48 facility employee has complied with the policy;

1-49 (4) include procedures for a facility employee to be  
1-50 exempt from the required vaccines for the medical conditions  
1-51 identified as contraindications or precautions by the Centers for  
1-52 Disease Control and Prevention;

1-53 (5) for a facility employee who is exempt from the  
1-54 required vaccines, include procedures the employee must follow to  
1-55 protect children in the facility's care from exposure to disease,  
1-56 such as the use of protective medical equipment, including gloves  
1-57 and masks, based on the level of risk the employee presents to  
1-58 children by the employee's routine and direct exposure to children;

1-59 (6) prohibit discrimination or retaliatory action  
1-60 against a facility employee who is exempt from the required

2-1 vaccines for the medical conditions identified as  
2-2 contraindications or precautions by the Centers for Disease Control  
2-3 and Prevention, except that required use of protective medical  
2-4 equipment, including gloves and masks, may not be considered  
2-5 retaliatory action for purposes of this subdivision;

2-6 (7) require the child-care facility to maintain a  
2-7 written or electronic record of each facility employee's compliance  
2-8 with or exemption from the policy; and

2-9 (8) state the disciplinary actions the child-care  
2-10 facility is authorized to take against a facility employee who  
2-11 fails to comply with the policy.

2-12 (d) The policy may include procedures for a facility  
2-13 employee to be exempt from the required vaccines based on reasons of  
2-14 conscience, including a religious belief.

2-15 (e) The executive commissioner shall adopt rules necessary  
2-16 to implement this section.

2-17 SECTION 2. Not later than June 1, 2014, the executive  
2-18 commissioner of the Health and Human Services Commission shall  
2-19 adopt the rules necessary to implement Section 42.04305, Human  
2-20 Resources Code, as added by this Act.

2-21 SECTION 3. Notwithstanding Section 42.04305, Human  
2-22 Resources Code, as added by this Act, a child-care facility subject  
2-23 to that section is not required to have a policy on  
2-24 vaccine-preventable diseases in effect until September 1, 2014.

2-25 SECTION 4. This Act takes effect September 1, 2013.

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