

By: Villalba

H.B. No. 2006

A BILL TO BE ENTITLED

1 AN ACT
2 relating to exemptions from immunization requirements for public
3 school students and students at public institutions of higher
4 education.

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

6 SECTION 1. Sections 38.001(c) and (f), Education Code, are
7 amended to read as follows:

8 (c) Immunization is not required for a person's admission to
9 any elementary or secondary school if the person applying for
10 admission:

11 (1) submits to the admitting official:

12 (A) an affidavit or a certificate signed by a
13 physician who is duly registered and licensed to practice medicine
14 in the United States, in which it is stated that, in the physician's
15 opinion, the immunization required poses a significant risk to the
16 health and well-being of the applicant or any member of the
17 applicant's family or household; or

18 (B) an affidavit signed by the applicant or, if a
19 minor, by the applicant's parent or guardian stating that the
20 applicant declines immunization for a specified and verifiable
21 religious-based reason and that the immunization conflicts with the
22 tenets and practices of a recognized church or religious
23 denomination of which the applicant is an adherent or member
24 [~~reasons of conscience, including a religious belief~~]; or

1 (2) is a member of the armed forces of the United
2 States and is on active duty.

3 (f) A person who has not received the immunizations required
4 by this section [~~for reasons of conscience, including~~] because of
5 the person's specified and verifiable religious-based reason
6 [~~religious beliefs,~~] may be excluded from school in times of
7 emergency or epidemic declared by the commissioner of public
8 health.

9 SECTION 2. Section 51.9192, Education Code, is amended by
10 amending Subsections (c), (d), (d-1), (d-2), (d-3), (d-4), and
11 (d-6) and adding Subsection (c-1) to read as follows:

12 (c) Except as provided by Subsection (c-1) or (d), a student
13 to whom this section applies or a parent or guardian of the student
14 must provide to the institution, at the time and in the manner
15 prescribed by rules adopted by the Texas Higher Education
16 Coordinating Board, a certificate signed by a health practitioner
17 or an official immunization record evidencing that the student has
18 received a bacterial meningitis vaccination dose or booster during
19 the five-year period preceding the date established by the
20 coordinating board under Subsection (e).

21 (c-1) A student to whom this section applies who is an
22 entering student at an institution of higher education, or a parent
23 or guardian of the student, is not required to comply with
24 Subsection (c) if the student or a parent or guardian of the student
25 submits to the institution:

26 (1) an affidavit or a certificate signed by a
27 physician who is duly registered and licensed to practice medicine

1 in the United States in which it is stated that, in the physician's
2 opinion, the vaccination required would be injurious to the health
3 and well-being of the student; or

4 (2) an affidavit signed by the student stating that
5 the student declines the vaccination for bacterial meningitis for
6 a specified and verifiable religious-based reason and that the
7 immunization conflicts with the tenets and practices of a
8 recognized church or religious denomination of which the student is
9 an adherent or member or confirmation that the student has
10 completed the Internet-based process described by Subsection (d-3)
11 for declining the vaccination on that basis, if applicable to the
12 student.

13 (d) A student to whom this section applies who is an
14 entering student at a private or independent institution of higher
15 education, or a parent or guardian of the student, is not required
16 to comply with Subsection (c) if the student or a parent or guardian
17 of the student submits to the institution:

18 (1) an affidavit or a certificate signed by a
19 physician who is duly registered and licensed to practice medicine
20 in the United States in which it is stated that, in the physician's
21 opinion, the vaccination required would be injurious to the health
22 and well-being of the student; or

23 (2) an affidavit signed by the student stating that
24 the student declines the vaccination for bacterial meningitis for
25 reasons of conscience, including a religious belief [~~or~~
26 ~~confirmation that the student has completed the Internet-based~~
27 ~~process described by Subsection (d-3) for declining the vaccination~~

1 ~~on that basis, if applicable to the student].~~

2 (d-1) The exemptions [~~exemption~~] provided by Subsection
3 (c-1)(2) and (d)(2) do [~~does~~] not apply during a disaster or public
4 health emergency, terrorist attack, hostile military or
5 paramilitary action, or extraordinary law enforcement emergency
6 declared by an appropriate official or other authority and in
7 effect for the location of the institution the student attends.

8 (d-2) An affidavit submitted under Subsection (c-1)(2) or
9 (d)(2) must be:

10 (1) on a form described by Section [161.0041](#), Health
11 and Safety Code; and

12 (2) submitted to the appropriate admitting official
13 not later than the 90th day after the date the affidavit is
14 notarized.

15 (d-3) The Department of State Health Services shall develop
16 and implement a secure, Internet-based process to be used
17 exclusively at those public junior colleges that elect to use the
18 process to allow an entering student to apply online for an
19 exemption from the vaccination requirement under this section for a
20 religious-based reason described by Subsection (c-1)(2) [~~reasons~~
21 ~~of conscience~~]. The online process portal must be designed to
22 ensure that duplicate exemption requests are avoided to the
23 greatest extent possible. The exemption form used by a student to
24 claim an exemption under the process must contain a statement
25 indicating that the student understands the benefits and risks of
26 the immunization and the benefits and risks of not receiving the
27 immunization.

1 (d-4) A public junior college may require an entering
2 student to use the Internet-based process under Subsection (d-3) as
3 the exclusive method to apply for an exemption from the vaccination
4 required under this section for a religious-based reason described
5 by Subsection (c-1)(2) [~~reasons of conscience~~].

6 (d-6) An institution of higher education or private or
7 independent institution of higher education shall provide, with the
8 registration materials that the institution provides to a student
9 to whom this section applies before the student's initial
10 enrollment in the institution, written notice of the right of the
11 student or of a parent or guardian of the student to claim an
12 exemption from the vaccination requirement in the manner prescribed
13 by Subsection (c-1) or (d), as applicable to the institution, and of
14 the importance of consulting a physician about the need for
15 immunization to prevent the disease.

16 SECTION 3. Section 51.933(d), Education Code, is amended to
17 read as follows:

18 (d) No form of immunization is required for a person's
19 admission to an institution of higher education if the person
20 applying for admission:

21 (1) submits to the admitting official:

22 (A) an affidavit or a certificate signed by a
23 physician who is duly registered and licensed to practice medicine
24 within the United States in which it is stated that, in the
25 physician's opinion, the immunization required poses a significant
26 risk to the health and well-being of the applicant or any member of
27 the applicant's family or household; or

1 (B) an affidavit signed by the applicant or, if a
2 minor, by the applicant's parent or guardian stating that the
3 applicant declines immunization for a specified and verifiable
4 religious-based reason and that the immunization conflicts with the
5 tenets and practices of a recognized church or religious
6 denomination of which the student is an adherent or member [~~reasons~~
7 ~~of conscience, including a religious belief~~]; or

8 (2) is a member of the armed forces of the United
9 States and is on active duty.

10 SECTION 4. Section 161.004, Health and Safety Code, is
11 amended by adding Subsection (d-1) to read as follows:

12 (d-1) Subsection (d) does not authorize an exemption based
13 on conscience for a student subject to Section 38.001,
14 51.9192(c-1), or 51.933, Education Code.

15 SECTION 5. Section 161.0041, Health and Safety Code, is
16 amended by amending Subsection (a) and adding Subsection (a-1) to
17 read as follows:

18 (a) A person claiming an exemption from a required
19 immunization [~~based on reasons of conscience, including a religious~~
20 ~~belief, under Section 161.004 of this code, Section 38.001,~~
21 ~~51.9192, or 51.933, Education Code, or Section 42.043, Human~~
22 ~~Resources Code,~~] must complete an affidavit on a form provided by
23 the department stating the [~~reason for the~~] exemption is based on:

24 (1) reasons of conscience, including a religious
25 belief, under Section 161.004 of this code, Section 51.9192(d)(2),
26 Education Code, or Section 42.043, Human Resources Code; or

27 (2) a specified and verifiable religious-based reason

1 under Section 38.001, 51.9192(c-1)(2), or 51.933, Education Code.

2 (a-1) Subsection (a) [This subsection] does not apply to a
3 person claiming an ~~[the]~~ exemption using the Internet-based process
4 under Section 51.9192(d-3), Education Code.

5 SECTION 6. The changes in law made by this Act to Section
6 38.001, Education Code, relating to public school students apply
7 beginning with the 2015-2016 school year.

8 SECTION 7. The changes in law made by this Act to Sections
9 51.9192 and 51.933, Education Code, apply only to entering students
10 enrolling in public institutions of higher education in this state
11 beginning with the 2015 fall semester.

12 SECTION 8. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2015.