By: Villalba  
H.B. No. 2006

A BILL TO BE ENTITLED

AN ACT

relating to exemptions from immunization requirements for public
school students and students at public institutions of higher
education.

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

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

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

(1) submits to the admitting official:

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

(B) an affidavit signed by the applicant or, if a
minor, by the applicant's parent or guardian stating that the
applicant declines immunization for a specified and verifiable
religious-based reason and that the immunization conflicts with the
tenets and practices of a recognized church or religious
denomination of which the applicant is an adherent or member
[reasons of conscience, including a religious belief]; or
(2) is a member of the armed forces of the United States and is on active duty.

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

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

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

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

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

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

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

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

(2) an affidavit signed by the student stating that the student declines the vaccination for bacterial meningitis for reasons of conscience, including a religious belief [or confirmation that the student has completed the Internet-based process described by Subsection (d-3) for declining the vaccination]
on that basis, if applicable to the student].

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

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

(1) on a form described by Section 161.0041, Health and Safety Code; and

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

(d-3) The Department of State Health Services shall develop and implement a secure, Internet-based process to be used exclusively at those public junior colleges that elect to use the process to allow an entering student to apply online for an exemption from the vaccination requirement under this section for a religious-based reason described by Subsection (c-1)(2) [reasons of conscience]. The online process portal must be designed to ensure that duplicate exemption requests are avoided to the greatest extent possible. The exemption form used by a student to claim an exemption under the process must contain a statement indicating that the student understands the benefits and risks of the immunization and the benefits and risks of not receiving the immunization.
(d-4) A public junior college may require an entering student to use the Internet-based process under Subsection (d-3) as the exclusive method to apply for an exemption from the vaccination required under this section for a religious-based reason described by Subsection (c-1)(2) [reasons of conscience].

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

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

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

1. submits to the admitting official:

   (A) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine within the United States in which it is stated that, in the physician's opinion, the immunization required poses a significant risk to the health and well-being of the applicant or any member of the applicant's family or household; or
(B) an affidavit signed by the applicant or, if a minor, by the applicant's parent or guardian stating that the applicant declines immunization for a specified and verifiable religious-based reason and that the immunization conflicts with the tenets and practices of a recognized church or religious denomination of which the student is an adherent or member [reasons of conscience, including a religious belief]; or

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

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

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

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

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

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

(2) a specified and verifiable religious-based reason
under Section 38.001, 51.9192(c-1)(2), or 51.933, Education Code. 

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

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

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

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