

By: Davis of Harris

H.B. No. 120

A BILL TO BE ENTITLED

AN ACT

relating to non-medical exemptions from immunization requirements.

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 non-medical 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 for non-medical reasons [~~of conscience, including because of the person's religious beliefs,~~] may be excluded from

1 school in times of emergency or epidemic declared by the
2 commissioner of state [~~public~~] health services.

3 SECTION 2. Sections 51.9192(d), (d-3), and (d-4), Education
4 Code, are amended to read as follows:

5 (d) A student to whom this section applies or a parent or
6 guardian of the student is not required to comply with Subsection
7 (c) if the student or a parent or guardian of the student submits to
8 the institution:

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

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

20 (d-3) The Department of State Health Services shall develop
21 and implement a secure, Internet-based process to be used
22 exclusively at those public junior colleges that elect to use the
23 process to allow an entering student to apply online for an
24 exemption from the vaccination requirement under this section for
25 non-medical reasons [~~of conscience~~]. The online process portal
26 must be designed to ensure that duplicate exemption requests are
27 avoided to the greatest extent possible. The exemption form used by

1 a student to claim an exemption under the process must contain a
2 statement indicating that the student understands the benefits and
3 risks of the immunization and the benefits and risks of not
4 receiving the immunization.

5 (d-4) A public junior college may require an entering
6 student to use the Internet-based process under Subsection (d-3) as
7 the exclusive method to apply for an exemption from the vaccination
8 required under this section for non-medical reasons [~~of~~
9 ~~conscience~~].

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

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

15 (1) submits to the admitting official:

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

22 (B) an affidavit signed by the applicant or, if a
23 minor, by the applicant's parent or guardian stating that the
24 applicant declines immunization for non-medical reasons [~~of~~
25 ~~conscience, including a religious belief~~]; or

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

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

3 (d) A child is exempt from an immunization required by this
4 section if:

5 (1) a parent, managing conservator, or guardian states
6 that the immunization is being declined for non-medical reasons [~~of~~
7 ~~conscience, including a religious belief~~]; or

8 (2) the immunization is medically contraindicated
9 based on the opinion of a physician licensed by any state in the
10 United States who has examined the child.

11 SECTION 5. Section 161.0041(a), Health and Safety Code, is
12 amended to read as follows:

13 (a) A person claiming an exemption from a required
14 immunization based on non-medical reasons [~~of conscience,~~
15 ~~including a religious belief,~~] under Section 161.004 of this code,
16 Section 38.001, 51.9192, or 51.933, Education Code, or Section
17 42.043, Human Resources Code, must complete an affidavit on a form
18 provided by the department stating the reason for the exemption.
19 This subsection does not apply to a person claiming the exemption
20 using the Internet-based process under Section 51.9192(d-3),
21 Education Code.

22 SECTION 6. Section 224.002(c), Health and Safety Code, is
23 amended to read as follows:

24 (c) The policy may include procedures for a covered
25 individual to be exempt from the required vaccines based on
26 non-medical reasons [~~of conscience, including a religious belief~~].

27 SECTION 7. Section 42.043(d), Human Resources Code, is

1 amended to read as follows:

2 (d) No immunization may be required for admission to a
3 facility regulated under this chapter if a person applying for a
4 child's admission submits one of the following affidavits:

5 (1) an affidavit signed by a licensed physician
6 stating that the immunization poses a significant risk to the
7 health and well-being of the child or a member of the child's family
8 or household; or

9 (2) an affidavit signed by the child's parent or
10 guardian stating that the applicant declines immunization for
11 non-medical reasons [~~of conscience, including a religious belief~~].

12 SECTION 8. Section 42.04305(d), Human Resources Code, is
13 amended to read as follows:

14 (d) The policy shall include procedures for a facility
15 employee to be exempt from the required vaccines based on
16 non-medical reasons [~~of conscience, including a religious belief~~].

17 SECTION 9. As soon as practicable after the effective date
18 of this Act, the Department of State Health Services shall modify
19 the existing affidavit form required by Section 161.0041, Health
20 and Safety Code, as amended by this Act.

21 SECTION 10. The changes in law made by this Act to Section
22 38.001, Education Code, relating to public school students apply
23 beginning with the 2017-2018 school year.

24 SECTION 11. The changes in law made by this Act to Sections
25 51.9192 and 51.933, Education Code, apply only to entering students
26 enrolling in public institutions of higher education in this state
27 beginning with the 2017 fall semester.

1 SECTION 12. The change in law made by this Act to Section
2 [42.043](#), Human Resources Code, applies beginning September 1, 2017.
3 An affidavit submitted to a facility before the effective date of
4 this Act is governed by the law in effect on the date the affidavit
5 is submitted, and the former law is continued in effect for that
6 purpose.

7 SECTION 13. This Act takes effect September 1, 2017.