By: Krause   H.B. No. 1490

A BILL TO BE ENTITLED

1   AN ACT

2   relating to claiming an exemption from required immunizations for

3   public school students.

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

5   SECTION 1. Sections 161.0041(d) and (e), Health and Safety

6   Code, are amended to read as follows:

7   (d) The department shall develop a blank affidavit form to

8   be used by a person claiming an exemption from a required

9   immunization and make that form available on the department's

10 Internet website and in all public schools [that contains a seal or

11 other security device to prevent reproduction of the form]. The

12 affidavit form shall contain a statement indicating that the person

13 or, if a minor, the person's parent, managing conservator, or

14 guardian understands the benefits and risks of immunizations and

15 the benefits and risks of not being immunized.

16   (e) [The department shall maintain a record of the total

17 number of affidavit forms sent out each year and shall report that

18 information to the legislature each year.] The department may not

19 maintain a record of the number of affidavit forms submitted or the

20 names of individuals who submit [request] an affidavit form under

21 this section.

22   SECTION 2. Section 161.0041(c), Health and Safety Code, is

23 repealed.

24   SECTION 3. As soon as practicable after the effective date

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1 of this Act, the Department of State Health Services shall modify

2 the existing affidavit form required by Section 161.0041, Health

3 and Safety Code, as amended by this Act.

4   SECTION 4. This Act applies beginning with the 2019-2020

5 school year.

6   SECTION 5. This Act takes effect immediately if it receives

7 a vote of two-thirds of all the members elected to each house, as

8 provided by Section 39, Article III, Texas Constitution. If this

9 Act does not receive the vote necessary for immediate effect, this

10 Act takes effect September 1, 2019.