

By: Huffman

S.B. No. 830

A BILL TO BE ENTITLED

AN ACT

relating to a vaccine preventable disease policy for first responders of emergency response entities; authorizing administrative and civil penalties.

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

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 786 to read as follows:

CHAPTER 786. VACCINE PREVENTABLE DISEASE POLICY

FOR FIRST RESPONDERS

Sec. 786.0001. DEFINITIONS. In this chapter:

(1) "Emergency response entity" means a political subdivision, state agency, or entity that employs, contracts with, or accepts the volunteer services of a first responder who serves under the direction or control of the political subdivision, agency, or entity.

(2) "First responder" has the meaning assigned by Section 161.0001.

(3) "Policy" means a vaccine preventable disease policy adopted under this chapter.

(4) "Public health disaster" has the meaning assigned by Section 81.003.

(5) "Vaccine preventable disease" means a disease included in the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease

1 Control and Prevention.

2 Sec. 786.0002. APPLICABILITY OF CHAPTER. This chapter
3 applies only to an emergency response entity that employs,
4 contracts with, or accepts the volunteer services of first
5 responders who are regulated or subject to rules adopted or orders
6 issued by:

7 (1) the executive commissioner of the Health and Human
8 Services Commission;

9 (2) the Texas Commission on Fire Protection;

10 (3) the Public Safety Commission; or

11 (4) the governor.

12 Sec. 786.0003. VACCINE PREVENTABLE DISEASE POLICY
13 REQUIRED. (a) Each emergency response entity shall develop and
14 implement a policy that complies with this chapter and rules
15 adopted under this chapter to protect the first responders who are
16 employed by, under contract with, or providing volunteer services
17 to the entity from contracting vaccine preventable diseases.

18 (b) A policy adopted under this section must:

19 (1) require a first responder who is employed by,
20 under contract with, or providing volunteer services to the
21 emergency response entity to receive an immunization for each
22 vaccine preventable disease described by Subdivision (2);

23 (2) specify the vaccine preventable diseases against
24 which a first responder is required to be immunized based on:

25 (A) the level of risk presented by the first
26 responder's routine; and

27 (B) the first responder's direct exposure to

1 hazards, including carriers of infectious disease;

2 (3) include procedures to verify a first responder's
3 compliance with the policy;

4 (4) include procedures to exempt a first responder
5 from the required immunizations for the medical conditions
6 identified as contraindications or precautions by the Centers for
7 Disease Control and Prevention;

8 (5) for a first responder who is exempt from the
9 required immunizations, specify mandatory procedures for the first
10 responder to follow to protect individuals from exposure to
11 disease, including the use of protective medical equipment such as
12 gloves and masks, based on the level of risk the first responder
13 presents by the first responder's routine and direct exposure to
14 hazards, including carriers of infectious disease;

15 (6) prohibit discrimination or retaliatory action
16 against a first responder who is exempt from the required
17 immunizations for the medical conditions identified as
18 contraindications or precautions by the Centers for Disease Control
19 and Prevention, except that required use of protective medical
20 equipment such as gloves and masks may not be considered
21 retaliatory action for purposes of this subdivision;

22 (7) require the emergency response entity to maintain
23 a written or electronic record of each first responder's compliance
24 with or exemption from the policy;

25 (8) require the emergency response entity to promote
26 and encourage inclusion of a first responder's immunization
27 information in the immunization registry in accordance with Section

1 [161.00706](#); and

2 (9) include disciplinary actions the emergency
3 response entity may take against a first responder who fails to
4 comply with the policy.

5 Sec. 786.0004. NONMEDICAL EXCEPTION AUTHORIZED. A policy
6 adopted under Section 786.0003 may include procedures for a first
7 responder to request and be granted an exemption from the
8 immunization requirement based on a nonmedical exception.

9 Sec. 786.0005. PUBLIC HEALTH DISASTER EXEMPTION. During a
10 public health disaster, an emergency response entity may prohibit a
11 first responder who is exempt from the immunization requirement
12 under the entity's policy from having direct contact with
13 individuals requiring assistance as a result of the disaster.

14 Sec. 786.0006. DISCIPLINARY ACTION. An emergency response
15 entity that violates this chapter is subject to an administrative
16 or civil penalty in the same manner, and subject to the same
17 procedures, as if the entity had violated a provision of law that
18 specifically governs the entity.

19 Sec. 786.0007. RULES. The appropriate rulemaking authority
20 for each emergency response entity shall adopt rules necessary to
21 implement this chapter.

22 SECTION 2. Not later than January 1, 2020, a state agency
23 that regulates an emergency response entity subject to Chapter 786,
24 Health and Safety Code, as added by this Act, shall adopt the rules
25 necessary to implement that chapter.

26 SECTION 3. Notwithstanding Chapter 786, Health and Safety
27 Code, as added by this Act, an emergency response entity subject to

S.B. No. 830

1 that chapter is not required to have a policy on vaccine preventable
2 diseases in effect until February 1, 2020.

3 SECTION 4. This Act takes effect September 1, 2019.