

By: Seliger

S.B. No. 636

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to requirements for and the transparency of  
3 epidemiological reports and certain immunization exemption  
4 information and reports.

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

6 SECTION 1. Section 81.047, Health and Safety Code, is  
7 amended to read as follows:

8 Sec. 81.047. EPIDEMIOLOGICAL REPORTS. (a) Subject to the  
9 confidentiality requirements of this chapter, the department shall  
10 require epidemiological reports of disease outbreaks and of  
11 individual cases of disease suspected or known to be of importance  
12 to the public health, including vaccine preventable diseases. The  
13 department shall evaluate the reports to determine the trends  
14 involved and the nature and magnitude of the hazards.

15 (b) The department shall prepare and submit to the  
16 legislature and the governor not later than December 1 of each  
17 even-numbered year a biennial report that contains:

18 (1) a report of outbreaks of vaccine preventable  
19 diseases in this state; and

20 (2) de-identified immunization exemption information,  
21 including the number of persons claiming an exemption from the  
22 immunization requirements of Section 161.004 of this code, Sections  
23 38.001, 51.9192, and 51.933, Education Code, and Section 42.043,  
24 Human Resources Code.

1 SECTION 2. Section 38.002, Education Code, is amended by  
2 amending Subsections (a) and (c) and adding Subsections (d), (e),  
3 (f), and (g) to read as follows:

4 (a) Each public school shall keep an individual  
5 immunization record during the period of attendance for each  
6 student admitted. The records shall be open for inspection at all  
7 reasonable times by the Texas Education Agency or by  
8 representatives of local health departments or the ~~[Texas]~~  
9 Department of State Health Services.

10 (c) The Texas Education Agency and the ~~[Texas]~~ Department of  
11 State Health Services shall develop the form for a required annual  
12 report of the immunization status of students that includes  
13 de-identified immunization exemption information. The report  
14 shall be submitted by all schools at the time and in the manner  
15 indicated in the instructions printed on the form.

16 (d) Each school district shall provide to the Department of  
17 State Health Services the information required by Subsection (c)  
18 for the district and for each school campus in the district.

19 (e) The Department of State Health Services shall make  
20 available to the public in electronic form, on the department's  
21 Internet website, the required annual report submitted under  
22 Subsection (c) on the immunization status of students for each  
23 school district and each school campus.

24 (f) On request of a student's parent or legal guardian, a  
25 school district or school campus shall provide to the parent or  
26 guardian a copy of the following information for the campus at which  
27 the student is enrolled:

1           (1) the immunization rate disaggregated by type of  
2 vaccine; and

3           (2) the information submitted under Subsection (c),  
4 including:

5                   (A) de-identified immunization exemption  
6 information;

7                   (B) the number of students provisionally  
8 enrolled pending documentation of immunization;

9                   (C) the number of students claiming an exemption  
10 for reasons of conscience, including a religious belief;

11                   (D) the number of students claiming an exemption  
12 for a medical reason; and

13                   (E) the number of students whose vaccinations are  
14 not current.

15           (g) The commissioner and the executive commissioner of the  
16 Health and Human Services Commission shall adopt rules as necessary  
17 to ensure that a report of the immunization status of students made  
18 available under Subsections (e) and (f) complies with federal law  
19 regarding confidentiality of student medical or educational  
20 information, including the Health Insurance Portability and  
21 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the  
22 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.  
23 Section 1232g).

24           SECTION 3. As soon as practicable after the effective date  
25 of this Act, the Texas Education Agency shall update the form  
26 required by Section 38.002(c), Education Code, as amended by this  
27 Act, to comply with that subsection.

1           SECTION 4. This Act applies beginning with the 2021-2022  
2 school year.

3           SECTION 5. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2021.