

By: Hall

S.B. No. 1669

A BILL TO BE ENTITLED

AN ACT

relating to prohibited discrimination regarding vaccination status and mandates for receiving or participating in the administration of vaccines; authorizing administrative penalties.

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

ARTICLE 1. VACCINATION STATUS DISCRIMINATION PROHIBITED

SECTION 1.01. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. PROHIBITED DISCRIMINATION BASED ON

VACCINATION STATUS

Sec. 113.001. DEFINITION. In this chapter, "public accommodation" means a disposition, service, financial aid, or benefit provided to members of the public.

Sec. 113.002. DISCRIMINATION PROHIBITED. A person may not discriminate against or refuse to provide a public accommodation to an individual based on the individual's vaccination history or immunity status for a communicable disease by:

(1) providing to the individual a public accommodation that is different or provided in a different manner than the accommodation provided or manner of providing the accommodation to other members of the public;

(2) subjecting the individual to segregation or separate treatment in any matter related to providing the public accommodation to the individual;

1           (3) restricting in any way the individual's enjoyment  
2 of a public accommodation in a manner that distinguishes the  
3 individual's enjoyment from the enjoyment of other members of the  
4 public;

5           (4) treating the individual differently from other  
6 members of the public in determining whether the individual  
7 satisfies any admission, enrollment, quota, eligibility,  
8 membership, or other requirement or condition that individuals must  
9 satisfy before a public accommodation is provided; or

10           (5) denying the individual an opportunity to  
11 participate in a program in a manner that differs from the manner  
12 the opportunity is provided to other members of the public.

13           Sec. 113.003. COMPLAINT; EQUITABLE RELIEF. (a) A person may  
14 file a complaint with the attorney general if the person asserts  
15 facts supporting an allegation that another person has violated  
16 Section 113.002. The person filing the complaint must include a  
17 sworn affidavit stating that to the person's knowledge, all of the  
18 facts asserted in the complaint are true and correct.

19           (b) If the attorney general determines that a complaint  
20 filed under Subsection (a) is valid, the attorney general may file a  
21 petition for a writ of mandamus or apply for other appropriate  
22 equitable relief in a district court in Travis County or in a county  
23 in which the person against whom relief is sought resides to compel  
24 the person to comply with Section 113.002.

25           Sec. 113.004. EFFECT ON OTHER LAW. This chapter prevails to  
26 the extent of a conflict between this chapter and any other law.

27           SECTION 1.02. Subchapter A, Chapter 161, Health and Safety

1 Code, is amended by adding Sections 161.0057 and 161.0085 to read as  
2 follows:

3 Sec. 161.0057. LONG-TERM CARE FACILITY IMMUNIZATION  
4 DISCRIMINATION PROHIBITED. (a) In this section, "long-term care  
5 facility" means a facility licensed or regulated under Chapter 242,  
6 247, or 252.

7 (b) A long-term care facility may not refuse to provide  
8 services to a resident based on the resident's immunization record  
9 or immunity status for a communicable disease.

10 (c) A long-term care facility that violates this section is  
11 ineligible to receive state money for services provided to  
12 residents.

13 (d) A violation of this section is a violation of the  
14 long-term care facility's applicable licensing law and subjects the  
15 facility to disciplinary action and the imposition of  
16 administrative penalties under that law.

17 (e) This section prevails to the extent of a conflict  
18 between this section and any other law.

19 Sec. 161.0085. IMMUNIZATION RECORD DISCRIMINATION  
20 PROHIBITED. (a) A health care provider or health care facility may  
21 not refuse to provide a health care service to a patient because a  
22 patient is unvaccinated or not immune to a communicable disease.

23 (b) A health care facility providing clinical experience to  
24 satisfy a student's degree requirements may not discriminate  
25 against a student or prohibit admission, enrollment, or employment  
26 as a student, intern, or resident because of the student's  
27 immunization record or immunity status for a communicable disease.

1        (c) Notwithstanding any other law, a health care provider or  
2 health care facility that violates this section is ineligible to  
3 receive state money for health care services provided to patients.

4        (d) A violation of this section is a violation of the health  
5 care provider's or health care facility's applicable licensing law  
6 and subjects the facility or provider to disciplinary action and  
7 the imposition of administrative penalties under that law.

8        (e) This section prevails to the extent of a conflict  
9 between this section and any other law.

10        SECTION 1.03. Chapter 544, Insurance Code, is amended by  
11 adding Subchapter M to read as follows:

12                                SUBCHAPTER M. VACCINATION STATUS

13        Sec. 544.601. DEFINITIONS. In this subchapter:

14                (1) "Health benefit plan issuer" means an issuer,  
15 administrator, or sponsor of a health benefit plan described by  
16 Section 544.602.

17                (2) "Participating provider" means a health care  
18 provider who has contracted with a health benefit plan issuer to  
19 provide services to enrollees.

20        Sec. 544.602. APPLICABILITY OF SUBCHAPTER. (a) This  
21 subchapter applies only to a health benefit plan that provides  
22 benefits for medical or surgical expenses incurred as a result of a  
23 health condition, accident, or sickness, including a group,  
24 blanket, or franchise insurance policy or insurance agreement, a  
25 group hospital service contract, or a group evidence of coverage or  
26 similar coverage document that is offered by:

27                (1) an insurance company;

1           (2) a group hospital service corporation operating  
2 under Chapter 842;

3           (3) a health maintenance organization operating under  
4 Chapter 843;

5           (4) an approved nonprofit health corporation that  
6 holds a certificate of authority under Chapter 844;

7           (5) a multiple employer welfare arrangement that holds  
8 a certificate of authority under Chapter 846;

9           (6) a stipulated premium company operating under  
10 Chapter 884;

11           (7) a fraternal benefit society operating under  
12 Chapter 885;

13           (8) a Lloyd's plan operating under Chapter 941; or

14           (9) an exchange operating under Chapter 942.

15           (b) Notwithstanding any other law, this subchapter applies  
16 to:

17           (1) a small employer health benefit plan subject to  
18 Chapter 1501, including coverage provided through a health group  
19 cooperative under Subchapter B of that chapter;

20           (2) a standard health benefit plan issued under  
21 Chapter 1507;

22           (3) a basic coverage plan under Chapter 1551;

23           (4) a basic plan under Chapter 1575;

24           (5) a primary care coverage plan under Chapter 1579;

25           (6) a plan providing basic coverage under Chapter  
26 1601;

27           (7) health benefits provided by or through a church

1 benefits board under Subchapter I, Chapter 22, Business  
2 Organizations Code;

3 (8) the state Medicaid program, including the Medicaid  
4 managed care program operated under Chapter 533, Government Code;

5 (9) the child health plan program under Chapter 62,  
6 Health and Safety Code;

7 (10) a regional or local health care program operated  
8 under Section 75.104, Health and Safety Code;

9 (11) a self-funded health benefit plan sponsored by a  
10 professional employer organization under Chapter 91, Labor Code;

11 (12) county employee group health benefits provided  
12 under Chapter 157, Local Government Code; and

13 (13) health and accident coverage provided by a risk  
14 pool created under Chapter 172, Local Government Code.

15 (c) This subchapter applies to a life insurance company  
16 that:

17 (1) issues or delivers a life insurance policy in this  
18 state; or

19 (2) is organized under the laws of this state.

20 Sec. 544.603. PROHIBITED DISCRIMINATION AGAINST  
21 INDIVIDUAL. A group health benefit plan issuer or a life insurance  
22 company may not use an individual's vaccination history or immunity  
23 status for a communicable disease to:

24 (1) reject, deny, limit, cancel, refuse to renew, or  
25 increase the premiums for coverage of the individual under a plan  
26 offered by the issuer or company;

27 (2) limit the amount, extent, or kind of coverage

1 available to the individual; or

2 (3) otherwise adversely affect the individual's  
3 eligibility for coverage.

4 Sec. 544.604. PROHIBITED DISCRIMINATION IN GROUP PLAN  
5 RATING. The vaccination history or immunity status for a  
6 communicable disease of individuals covered under a group health  
7 benefit plan that provides coverage in this state may not be used as  
8 a factor in the rating of the plan.

9 Sec. 544.605. PROHIBITED DISCRIMINATION AGAINST  
10 PARTICIPATING PROVIDER. (a) A health benefit plan issuer may not  
11 use the vaccination history of a health care provider's patients as  
12 a qualification or requirement for contracting with the provider or  
13 as a basis for terminating a contract with the provider.

14 (b) A health benefit plan issuer may not use the vaccination  
15 history or immunity status for a communicable disease of enrollees  
16 as a factor in providing a financial incentive or assessing a  
17 financial or other penalty against a participating provider.

18 Sec. 544.606. EFFECT ON OTHER LAW. This subchapter  
19 prevails to the extent of a conflict between this subchapter and any  
20 other law.

21 SECTION 1.04. Chapter 21, Labor Code, is amended by adding  
22 Subchapter H-1 to read as follows:

23 SUBCHAPTER H-1. DISCRIMINATION BASED ON VACCINATION STATUS

24 Sec. 21.421. PROHIBITED DISCRIMINATION BASED ON  
25 VACCINATION STATUS. (a) An employer commits an unlawful employment  
26 practice if the employer fails or refuses to hire, discharges, or  
27 otherwise discriminates against an individual with respect to the

1 compensation or the terms, conditions, or privileges of employment  
2 because the individual is unvaccinated or not immune to a  
3 communicable disease.

4 (b) A labor organization commits an unlawful employment  
5 practice if the labor organization excludes or expels from  
6 membership or otherwise discriminates against an individual  
7 because the individual is unvaccinated or not immune to a  
8 communicable disease.

9 (c) An employment agency commits an unlawful employment  
10 practice if the employment agency classifies or refers for  
11 employment, fails or refuses to refer for employment, or otherwise  
12 discriminates against an individual because the individual is  
13 unvaccinated or not immune to a communicable disease.

14 (d) An employer, labor organization, or employment agency  
15 commits an unlawful employment practice if the employer, labor  
16 organization, or employment agency limits, segregates, or  
17 classifies an employee, member, or applicant for employment or  
18 membership in a way that would deprive or tend to deprive the  
19 employee, member, or applicant of employment opportunities or  
20 otherwise adversely affect the status of the employee, member, or  
21 applicant because the employee, member, or applicant is  
22 unvaccinated or not immune to a communicable disease.

23 Sec. 21.422. EFFECT ON OTHER LAW. This subchapter prevails  
24 to the extent of a conflict between this subchapter and any other  
25 law.

26 SECTION 1.05. Title 2, Occupations Code, is amended by  
27 adding Chapter 60 to read as follows:



1                   CHAPTER 60. IMMUNIZATION DISCRIMINATION

2                   Sec. 60.001. PROHIBITED DISCRIMINATION BASED ON  
3 IMMUNIZATION. A licensing authority may not deny an application  
4 for an occupational license, suspend, revoke, or refuse to renew an  
5 occupational license, or take any other disciplinary action against  
6 an individual based on:

7                   (1) the individual's vaccination history or immunity  
8 status for a communicable disease; or

9                   (2) the individual's refusal to be vaccinated or  
10 participate in administering a vaccine.

11                  Sec. 60.002. EFFECT ON OTHER LAW. This chapter prevails to  
12 the extent of a conflict between this chapter and any other law.

13                  SECTION 1.06. Subtitle A, Title 3, Occupations Code, is  
14 amended by adding Chapter 103A to read as follows:

15                   CHAPTER 103A. RIGHT TO OBJECT TO VACCINATIONS

16                  Sec. 103A.001. RIGHT TO OBJECT. A hospital or other health  
17 care facility may not require as a condition of employment that an  
18 employee, including a physician, nurse, or staff member:

19                   (1) be vaccinated; or

20                   (2) participate in administering a vaccine.

21                  Sec. 103A.002. DISCRIMINATION PROHIBITED. (a) A hospital  
22 or other health care facility may not discriminate against an  
23 employee, including a physician, nurse, or staff member, or an  
24 applicant who:

25                   (1) refuses to:

26                   (A) be vaccinated; or

27                   (B) participate in administering a vaccine; or

1           (2) is not immune to a communicable disease.

2           (b) An educational institution may not discriminate against  
3 an applicant for admission or employment as a student, intern, or  
4 resident based on:

5           (1) the applicant's vaccination history or immunity  
6 status for a communicable disease; or

7           (2) the applicant's refusal to be vaccinated or  
8 participate in administering a vaccine.

9           Sec. 103A.003. REMEDIES. A person aggrieved by a violation  
10 of this chapter may bring an action against a hospital, other health  
11 care facility, or educational institution that administers a  
12 hospital or other health care facility in a district court in the  
13 county where the hospital, facility, or institution is located for:

14           (1) an injunction against any further violation;

15           (2) appropriate equitable relief, including:

16                   (A) admission or reinstatement of employment;

17 and

18                   (B) back pay and 10 percent interest on the back

19 pay; and

20           (3) any other relief necessary to ensure compliance  
21 with this chapter.

22           Sec. 103A.004. EFFECT ON OTHER LAW. This chapter prevails  
23 to the extent of a conflict between this chapter and any other law.

24           SECTION 1.07. Subchapter A, Chapter 521, Transportation  
25 Code, is amended by adding Section 521.013 to read as follows:

26           Sec. 521.013. PROHIBITED VACCINATION DISCRIMINATION. (a)  
27 The department may not use an individual's vaccination history or

1 proof of immunity to a communicable disease as a requirement for the  
2 issuance or renewal of a driver's license, election identification  
3 certificate, or personal identification certificate.

4 (b) The department may not discriminate against, deny  
5 services or access to, or otherwise penalize any individual for  
6 being unvaccinated or not providing proof of vaccination or  
7 immunity to a communicable disease.

8 (c) This section prevails to the extent of a conflict  
9 between this section and any other law.

10 ARTICLE 2. VACCINATION MANDATES PROHIBITED

11 SECTION 2.01. Section 25.002(a), Education Code, is amended  
12 to read as follows:

13 (a) If a parent or other person with legal control of a child  
14 under a court order enrolls the child in a public school, the parent  
15 or other person or the school district in which the child most  
16 recently attended school shall furnish to the school district:

17 (1) the child's birth certificate or another document  
18 suitable as proof of the child's identity; and

19 (2) a copy of the child's records from the school the  
20 child most recently attended if the child has been previously  
21 enrolled in a school in this state or another state~~[, and~~

22 ~~[(3) a record showing that the child has the~~  
23 ~~immunizations as required under Section 38.001, in the case of a~~  
24 ~~child required under that section to be immunized, proof as~~  
25 ~~required by that section showing that the child is not required to~~  
26 ~~be immunized, or proof that the child is entitled to provisional~~  
27 ~~admission under that section and under rules adopted under that~~

1 ~~section~~].

2 SECTION 2.02. The heading to Section 38.001, Education  
3 Code, is amended to read as follows:

4 Sec. 38.001. RECOMMENDED IMMUNIZATIONS [~~IMMUNIZATION,~~  
5 ~~REQUIREMENTS, EXCEPTIONS~~].

6 SECTION 2.03. Section 38.001(b-1), Education Code, is  
7 amended to read as follows:

8 (b-1) Each year, the Department of State Health Services  
9 shall prepare a list of the immunizations [~~required under this~~  
10 ~~section for admission to public schools and of any additional~~  
11 ~~immunizations~~] the department recommends for school-age children.  
12 The department shall prepare the list in English and Spanish and  
13 make the list available in a manner that permits a school district  
14 to easily post the list on the district's Internet website as  
15 required by Section 38.019. A school district or a school,  
16 including a private school, may not require any immunizations as a  
17 condition of admission to or attendance at an elementary or  
18 secondary school.

19 SECTION 2.04. Sections 38.019(a) and (b), Education Code,  
20 are amended to read as follows:

21 (a) A school district that maintains an Internet website  
22 shall post prominently on the website[+

23 [~~(1)~~] a list, in English and Spanish, of:

24 (1) [~~(A) the immunizations required for admission to~~  
25 ~~public school by rules of the Department of State Health Services~~  
26 ~~adopted under Section 38.001,~~

27 [~~(B)~~] any immunizations or vaccines recommended

1 for public school students by the Department of State Health  
2 Services; and

3 (2) ~~[(c)]~~ health clinics in the district that offer  
4 the influenza vaccine, to the extent those clinics are known to the  
5 district ~~and~~

6 ~~[(2) a link to the Department of State Health Services~~  
7 ~~Internet website where a person may obtain information relating to~~  
8 ~~the procedures for claiming an exemption from the immunization~~  
9 ~~requirements of Section 38.001].~~

10 (b) The list of recommended immunizations or vaccines under  
11 Subsection (a)(1) ~~[(a)(2)]~~ must include the influenza vaccine ~~and~~  
12 ~~unless the Department of State Health Services requires the~~  
13 ~~influenza vaccine for admission to public school].~~

14 SECTION 2.05. The heading to Section 51.933, Education  
15 Code, is amended to read as follows:

16 Sec. 51.933. IMMUNIZATION INFORMATION ~~[REQUIREMENTS,~~  
17 ~~EXCEPTION]~~.

18 SECTION 2.06. Section 51.933(a), Education Code, is amended  
19 to read as follows:

20 (a) An institution of higher education may not require  
21 students or applicants for admission to be immunized against any  
22 communicable disease ~~[diphtheria, rubella, mumps,~~  
23 ~~tetanus, and poliomyelitis, except as provided in Subsection (d)].~~

24 SECTION 2.07. Section 264.1076(d), Family Code, is amended  
25 to read as follows:

26 (d) A physician or other health care provider conducting an  
27 examination under Subsection (b) may not administer a vaccination

1 as part of the examination without parental consent [~~, except that a~~  
2 ~~physician or other health care provider may administer a tetanus~~  
3 ~~vaccination to a child in a commercially available preparation if~~  
4 ~~the physician or other health care provider determines that an~~  
5 ~~emergency circumstance requires the administration of the~~  
6 ~~vaccination~~]. The prohibition on the administration of a  
7 vaccination under this subsection does not apply after the  
8 department has been named managing conservator of the child after a  
9 hearing conducted under Subchapter C, Chapter 262.

10 SECTION 2.08. Section 531.0335(b), Government Code, is  
11 amended to read as follows:

12 (b) The executive commissioner by rule shall prohibit a  
13 health and human services agency from taking a punitive action  
14 against a person responsible for a child's care, custody, or  
15 welfare for declining [~~failure of the person~~] to immunize the child  
16 against any communicable disease [~~ensure that the child receives~~  
17 ~~the immunization series prescribed by Section 161.004, Health and~~  
18 ~~Safety Code~~].

19 SECTION 2.09. Section 12.033(a), Health and Safety Code, is  
20 amended to read as follows:

21 (a) Except as otherwise provided by this section, the  
22 executive commissioner by rule shall adopt fees to be collected by  
23 the department for the distribution and administration of vaccines  
24 and sera provided under [+

25 [~~(1) Section 38.001, Education Code,~~

26 [~~(2) Section 42.043, Human Resources Code,~~

27 [~~(3)] Chapter 826 (Rabies Control Act of 1981) [+~~

1           ~~[(4) Chapter 81 (Communicable Disease Prevention and~~  
2 ~~Control Act); and~~

3           ~~[(5) Section 161.005].~~

4           SECTION 2.10. Section 81.082(f), Health and Safety Code, is  
5 amended to read as follows:

6           (f) In this section, "control measures" does not include an  
7 immunization or vaccine and includes:

8           (1) ~~[immunization;~~

9           ~~[(2)]~~ detention;

10          (2) ~~[(3)]~~ restriction;

11          (3) ~~[(4)]~~ disinfection;

12          (4) ~~[(5)]~~ decontamination;

13          (5) ~~[(6)]~~ isolation;

14          (6) ~~[(7)]~~ quarantine;

15          (7) ~~[(8)]~~ disinfestation;

16          (8) ~~[(9)]~~ chemoprophylaxis;

17          (9) ~~[(10)]~~ preventive therapy;

18          (10) ~~[(11)]~~ prevention; and

19          (11) ~~[(12)]~~ education.

20          SECTION 2.11. Section 81.085(i), Health and Safety Code, is  
21 amended to read as follows:

22          (i) On request of the department during a public health  
23 disaster, an individual shall disclose the individual's  
24 immunization information. If the individual does not have updated  
25 or appropriate immunizations, the department may take appropriate  
26 action during a quarantine to protect that individual and the  
27 public from the communicable disease, but the department may not

1 administer a vaccine to the individual without the individual's  
2 consent.

3 SECTION 2.12. The heading to Section 161.0051, Health and  
4 Safety Code, is amended to read as follows:

5 Sec. 161.0051. REQUIRED OFFER OF IMMUNIZATIONS FOR NURSING  
6 HOMES.

7 SECTION 2.13. Subchapter A, Chapter 161, Health and Safety  
8 Code, is amended by adding Section 161.0055 to read as follows:

9 Sec. 161.0055. VACCINATION MANDATES AND DISCRIMINATION  
10 PROHIBITED. (a) A governmental entity or official, including the  
11 governor, a state agency, a political subdivision, or a political  
12 subdivision official, may not:

13 (1) require an individual to be vaccinated;

14 (2) require an individual to participate in the  
15 administration of a vaccine; or

16 (3) discriminate or impose a civil or criminal penalty  
17 against an individual who refuses vaccination or participation in  
18 the administration of a vaccine.

19 (b) This section applies to all other law, including an  
20 agency rule, executive order, or emergency order.

21 (c) This section prevails to the extent of a conflict  
22 between this section and any other law.

23 SECTION 2.14. Section 161.0074(c), Health and Safety Code,  
24 is amended to read as follows:

25 (c) The report must:

26 (1) include the current immunization rates by  
27 geographic region of the state, where available;



1           (2) focus on the geographic regions of the state with  
2 immunization rates below the state average for preschool children;

3           (3) describe the approaches identified to increase  
4 immunization rates in underserved areas and the estimated cost for  
5 each;

6           (4) identify changes to department procedures needed  
7 to increase immunization rates;

8           (5) identify the services provided under and  
9 provisions of contracts entered into by the department to increase  
10 immunization rates in underserved areas;

11          (6) identify performance measures used in contracts  
12 described by Subdivision (5);

13          (7) include the number and type of exemptions used in  
14 the past year;

15          (8) include the number of complaints received by the  
16 department related to the department's failure to comply with  
17 requests for exclusion of individuals from the registry;

18          (9) identify all reported incidents of discrimination  
19 for requesting exclusion from the registry [~~or for using an~~  
20 ~~exemption for a required immunization~~];

21          (10) include department recommendations about the  
22 best way to use, and communicate with, local registries in the  
23 state; and

24          (11) include ways to increase provider participation  
25 in the registry.

26          SECTION 2.15. Section [161.0105\(c\)](#), Health and Safety Code,  
27 is amended to read as follows:

1 (c) The immunity created by this section is in addition to  
2 any immunity created by Section [~~Sections 161.001 and~~ 161.007(i)].

3 SECTION 2.16. Section 224.002, Health and Safety Code, is  
4 amended by amending Subsection (b) and adding Subsection (b-1) to  
5 read as follows:

6 (b) The policy must:

7 (1) encourage [~~require~~] covered individuals to  
8 receive vaccines for the vaccine preventable diseases specified by  
9 the facility based on the level of risk the individual presents to  
10 patients by the individual's routine and direct exposure to  
11 patients;

12 (2) specify the recommended vaccines a covered  
13 individual is encouraged [~~required~~] to receive based on the level  
14 of risk the individual presents to patients by the individual's  
15 routine and direct exposure to patients;

16 (3) [~~include procedures for verifying whether a~~  
17 ~~covered individual has complied with the policy,~~

18 [~~(4) include procedures for a covered individual to be~~  
19 ~~exempt from the required vaccines for the medical conditions~~  
20 ~~identified as contraindications or precautions by the Centers for~~  
21 ~~Disease Control and Prevention,~~

22 [~~(5)~~] for a covered individual who declines to receive  
23 [~~is exempt from~~] the recommended [~~required~~] vaccines, include  
24 procedures the individual must follow to protect facility patients  
25 from exposure to disease, such as the use of protective medical  
26 equipment, such as gloves and masks, based on the level of risk the  
27 individual presents to patients by the individual's routine and

1 direct exposure to patients;

2 (4) [~~(6)~~] prohibit discrimination or retaliatory  
3 action against a covered individual who declines to receive [~~is~~  
4 ~~exempt from~~] the recommended [~~required~~] vaccines [~~for the medical~~  
5 ~~conditions identified as contraindications or precautions by the~~  
6 ~~Centers for Disease Control and Prevention~~], except that required  
7 use of protective medical equipment, such as gloves and masks, may  
8 not be considered retaliatory action for purposes of this  
9 subdivision; and

10 (5) [~~(7)~~] require the health care facility to maintain  
11 a written or electronic record of each covered individual's  
12 immunization record [~~compliance with or exemption from the policy,~~  
13 ~~and~~

14 [~~(8) include disciplinary actions the health care~~  
15 ~~facility is authorized to take against a covered individual who~~  
16 ~~fails to comply with the policy]~~.

17 (b-1) A health care facility shall maintain as confidential  
18 an immunization record described by Subsection (b)(5) and may not  
19 disclose the record to any other person unless the disclosure is  
20 otherwise required by law.

21 SECTION 2.17. Section 31.0031(d), Human Resources Code, is  
22 amended to read as follows:

23 (d) The responsibility agreement shall require that:

24 (1) the parent of a dependent child cooperate with the  
25 commission and the Title IV-D agency if necessary to establish the  
26 paternity of the dependent child and to establish or enforce child  
27 support;

1           (2) if adequate and accessible providers of the  
2 services are available in the geographic area and subject to the  
3 availability of funds, each dependent child, as appropriate,  
4 complete early and periodic screening, diagnosis, and treatment  
5 checkups on schedule [~~and receive the immunization series~~  
6 ~~prescribed by Section 161.004, Health and Safety Code, unless the~~  
7 ~~child is exempt under that section~~];

8           (3) each adult recipient, or teen parent recipient who  
9 has completed the requirements regarding school attendance in  
10 Subdivision (6), not voluntarily terminate paid employment of at  
11 least 30 hours each week without good cause in accordance with rules  
12 adopted by the executive commissioner;

13           (4) each adult recipient for whom a needs assessment  
14 is conducted participate in an activity to enable that person to  
15 become self-sufficient by:

16                   (A) continuing the person's education or  
17 becoming literate;

18                   (B) entering a job placement or employment skills  
19 training program;

20                   (C) serving as a volunteer in the person's  
21 community; or

22                   (D) serving in a community work program or other  
23 work program approved by the commission;

24           (5) each caretaker relative or parent receiving  
25 assistance not use, sell, or possess marihuana or a controlled  
26 substance in violation of Chapter 481, Health and Safety Code, or  
27 abuse alcohol;

1           (6) each dependent child younger than 18 years of age  
2 or teen parent younger than 19 years of age attend school regularly,  
3 unless the child has a high school diploma or high school  
4 equivalency certificate or is specifically exempted from school  
5 attendance under Section 25.086, Education Code;

6           (7) each recipient comply with commission rules  
7 regarding proof of school attendance; and

8           (8) each recipient attend appropriate parenting  
9 skills training classes, as determined by the needs assessment.

10          SECTION 2.18. Sections 42.043(b) and (d), Human Resources  
11 Code, are amended to read as follows:

12          (b) The department shall require that each child at an  
13 appropriate age have a test for tuberculosis [~~and be immunized~~  
14 ~~against diphtheria, tetanus, poliomyelitis, mumps, rubella,~~  
15 ~~rubeola, invasive pneumococcal disease, and hepatitis A and against~~  
16 ~~any other communicable disease as recommended by the Department of~~  
17 ~~State Health Services. The immunization must be effective on the~~  
18 ~~date of first entry into the facility. However, a child may be~~  
19 ~~provisionally admitted if the required immunizations have begun and~~  
20 ~~are completed as rapidly as medically feasible].~~

21          (d) No immunization may be required for admission to a  
22 facility regulated under this chapter [~~if a person applying for a~~  
23 ~~child's admission submits one of the following affidavits:~~

24           ~~[(1) an affidavit signed by a licensed physician~~  
25 ~~stating that the immunization poses a significant risk to the~~  
26 ~~health and well-being of the child or a member of the child's family~~  
27 ~~or household; or~~

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

4           SECTION 2.19. Section 42.04305, Human Resources Code, is  
5 amended by amending Subsection (c) and adding Subsection (c-1) to  
6 read as follows:

7           (c) The policy must:

8           (1) encourage ~~[require]~~ each facility employee to  
9 receive vaccines for the vaccine-preventable diseases specified by  
10 the child-care facility based on the level of risk the employee  
11 presents to children by the employee's routine and direct exposure  
12 to children;

13           (2) specify the recommended vaccines a facility  
14 employee is encouraged ~~[required]~~ to receive based on the level of  
15 risk the employee presents to children by the employee's routine  
16 and direct exposure to children;

17           (3) ~~[include procedures for verifying whether a~~  
18 ~~facility employee has complied with the policy,~~

19           ~~[(4) include procedures for a facility employee to be~~  
20 ~~exempt from the required vaccines for the medical conditions~~  
21 ~~identified as contraindications or precautions by the Centers for~~  
22 ~~Disease Control and Prevention,~~

23           ~~[(5)]~~ for a facility employee who declines to receive  
24 ~~[is exempt from]~~ the recommended ~~[required]~~ vaccines, include  
25 procedures the employee must follow to protect children in the  
26 facility's care from exposure to disease, such as the use of  
27 protective medical equipment, including gloves and masks, based on

1 the level of risk the employee presents to children by the  
2 employee's routine and direct exposure to children;

3 (4) [~~(6)~~] prohibit discrimination or retaliatory  
4 action against a facility employee who declines to receive [~~is~~  
5 ~~exempt from~~] the recommended [~~required~~] vaccines [~~for the medical~~  
6 ~~conditions identified as contraindications or precautions by the~~  
7 ~~Centers for Disease Control and Prevention~~], except that required  
8 use of protective medical equipment, including gloves and masks,  
9 may not be considered retaliatory action for purposes of this  
10 subdivision; and

11 (5) [~~(7)~~] require the child-care facility to maintain  
12 a written or electronic record of each facility employee's  
13 immunization record [~~compliance with or exemption from the policy,~~  
14 ~~and~~

15 [~~(8) state the disciplinary actions the child-care~~  
16 ~~facility is authorized to take against a facility employee who~~  
17 ~~fails to comply with the policy].~~

18 (c-1) A facility shall maintain as confidential an  
19 immunization record described by Subsection (c)(5) and may not  
20 disclose the record to any other person unless the disclosure is  
21 otherwise required by law.

22 SECTION 2.20. The following provisions are repealed:

23 (1) Sections 38.001(a), (c), (c-1), (d), (e), and  
24 (f), Education Code;

25 (2) Section 38.001(b), Education Code, as amended by  
26 Chapters 43 (H.B. 1098) and 94 (H.B. 1059), Acts of the 80th  
27 Legislature, Regular Session, 2007;

- 1 (3) Section 38.019(a-1), Education Code;
- 2 (4) Section 51.9192, Education Code;
- 3 (5) Sections 51.933(b), (b-1), (d), (d-1), and (e),  
4 Education Code;
- 5 (6) Section 531.0335(c), Government Code;
- 6 (7) Section 81.023, Health and Safety Code;
- 7 (8) Section 161.001, Health and Safety Code;
- 8 (9) Section 161.004, Health and Safety Code;
- 9 (10) Section 161.0041, Health and Safety Code;
- 10 (11) Section 161.005, Health and Safety Code;
- 11 (12) Section 161.007(h), Health and Safety Code;
- 12 (13) Section 224.002(c), Health and Safety Code;
- 13 (14) Section 224.003, Health and Safety Code;
- 14 (15) Sections 31.031(d) and (e), Human Resources Code;
- 15 (16) Sections 42.043(c), (d-1), and (f), Human  
16 Resources Code; and
- 17 (17) Section 42.04305(d), Human Resources Code.

18 ARTICLE 3. TRANSITION AND EFFECTIVE DATE

19 SECTION 3.01. Each facility subject to Chapter 224, Health  
20 and Safety Code, as amended by this Act, or Section 42.04305, Human  
21 Resources Code, as amended by this Act, shall modify the facility's  
22 vaccine-preventable disease policy to conform with the changes in  
23 law made by this Act not later than January 1, 2022.

24 SECTION 3.02. (a) Subchapter M, Chapter 544, Insurance  
25 Code, as added by this Act, applies only to a health benefit plan or  
26 insurance policy delivered, issued for delivery, or renewed on or  
27 after January 1, 2022.



1           (b) Section 544.605, Insurance Code, as added by this Act,  
2 applies only to a contract entered into on or after the effective  
3 date of this Act.

4           SECTION 3.03. (a) The changes in law made by this Act to  
5 Title 2, Education Code, apply starting with the 2021-2022 school  
6 year.

7           (b) The changes in law made by this Act to Title 3, Education  
8 Code, apply starting with the 2021-2022 academic year.

9           SECTION 3.04. This Act takes effect immediately if it  
10 receives a vote of two-thirds of all the members elected to each  
11 house, as provided by Section 39, Article III, Texas Constitution.  
12 If this Act does not receive the vote necessary for immediate  
13 effect, this Act takes effect September 1, 2021.