By:  Harrison H.B. No. 807

A BILL TO BE ENTITLED

AN ACT

relating to immunization requirements.

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

SECTION 1.  Section 38.001, Education Code, is amended to read as follows:

Sec. 38.001.  IMMUNIZATION; REQUIREMENTS; EXCEPTIONS. (a) Each student shall be fully immunized against diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis, except as provided by Subsection (c).

~~(b)  Subject to Subsections (b-1) and (c), the executive commissioner of the Health and Human Services Commission may modify or delete any of the immunizations in Subsection (a) or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school.~~

(b)  ~~Subject to Subsection (c), the Department of State Health Services may modify or delete any of the immunizations in Subsection (a) or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school.~~ The list in Subsection (a) may only be modified by statute.

(b-1)  Each year, the Department of State Health Services shall prepare a list of the immunizations required under ~~this section~~ Subsection (a) for admission to public schools ~~and of any additional immunizations the department recommends for school-age children~~. The department shall prepare the list in English and Spanish and make the list available in a manner that permits a school district to easily post the list on the district's Internet website as required by Section 38.019.

(b-2)  No government entity can compel or require an individual to receive a vaccine, not listed in Subsection (a), including but not limited to those listed on the Federal Centers for Disease Control and Preventions Immunization Schedules.

(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 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.

(c-1)  An affidavit submitted under Section (c)(1)(B) must be on a form described by Section 161.0041, Health and Safety Code, and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized.

(d)  The Department of State Health Services shall provide the required immunization to children in areas where no local provision exists to provide those services.

(e)  A person may be provisionally admitted to an elementary or secondary school if the person has begun the required immunizations and if the person continues to receive the necessary immunizations as rapidly as is medically feasible. The Department of State Health Services shall adopt rules relating to the provisional admission of persons to an elementary or secondary school.

~~(f)  A person who has not received the immunizations required by this section for reasons of conscience, including because of the person's religious beliefs, may be excluded from school in times of emergency or epidemic declared by the commissioner of public health.~~

SECTION 2.  Sections 81.023, Health and Safety Code, is amended to read as follows:

(a)  The executive commissioner may recommend to the legislature immunizations to include on the list of immunizations required ~~department shall develop immunization requirements~~ for children under Education Code Section 38.001(a).

(b)  The department shall cooperate with the Department of Family and Protective Services in ~~formulating and~~ implementing the immunization requirements for children admitted to child-care facilities.

(c)  The department shall cooperate with the State Board of Education in ~~formulating and~~ implementing immunization requirements for students admitted to public or private primary or secondary schools.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.