88R3962 LRM-D

By:  Kolkhorst S.B. No. 1025

A BILL TO BE ENTITLED

AN ACT

relating to immunization requirements and documentation, including adverse event tracking following the administration of vaccines and booster doses.

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

SECTION 1.  Sections 38.001(a) and (b-1), Education Code, are amended to read as follows:

(a)  Except as provided by Subsection (c), each [~~Each~~] student shall be fully immunized against the diseases listed in Section 161.004, Health and Safety Code [~~diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis, except as provided by Subsection (c)~~].

(b-1)  Each year, the Department of State Health Services shall prepare a list of the immunizations required [~~under this section~~] 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.

SECTION 2.  Section 38.019(a), Education Code, is amended to read as follows:

(a)  A school district that maintains an Internet website shall post prominently on the website:

(1)  a list, in English and Spanish, of:

(A)  the immunizations required for admission to public school in accordance with [~~by rules of the Department of State Health Services adopted under~~] Section 38.001; and

(B)  [~~any immunizations or vaccines recommended for public school students by the Department of State Health Services; and~~

[~~(C)~~]  health clinics in the district that offer the influenza vaccine, to the extent those clinics are known to the district; and

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

SECTION 3.  Sections 51.933(b) and (b-1), Education Code, are amended to read as follows:

(b)  The executive commissioner of the Health and Human Services Commission may require a student at an institution of higher education who is pursing a course of study in a human or animal health profession to be immunized [~~immunizations~~] against the diseases listed in Subsection (a) and against hepatitis B, measles, rabies, and varicella, as applicable. The [~~additional diseases for students at any institution of higher education who are pursuing a course of study in a human or animal health profession, and the~~] executive commissioner may require those immunizations for any students in times of an emergency or epidemic in a county where the commissioner of state health services has declared such an emergency or epidemic.

(b-1)  A requirement [~~rule adopted~~] under Subsection (b) for [~~that requires~~] a student to be immunized against hepatitis B [~~vaccination for students~~] may apply only to students enrolled in a course of study that involves potential exposure to human or animal blood or bodily fluids.

SECTION 4.  Sections 81.023(a) and (c), Health and Safety Code, are 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 Section 161.004.

(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 5.  Section 161.004(a), Health and Safety Code, is amended to read as follows:

(a)  Every child in the state shall be immunized against diphtheria, hepatitis A, hepatitis B, measles, meningococcal, mumps, pertussis, polio, rubella, tetanus, and varicella [~~vaccine preventable diseases caused by infectious agents~~] in accordance with the [~~immunization~~] schedule prescribed [~~adopted~~] in department rules. The executive commissioner may not require immunizations against any additional diseases for students admitted to a public or private primary or secondary school.

SECTION 6.  The heading to Section 161.0085, Health and Safety Code, is amended to read as follows:

Sec. 161.0085.  [~~COVID-19~~] VACCINE PASSPORTS AND USE OF CERTAIN IMMUNIZATION INFORMATION PROHIBITED.

SECTION 7.  Section 161.0085, Health and Safety Code, is amended by amending Subsections (b), (c), and (e) and adding Subsection (b-1) to read as follows:

(b)  A person [~~governmental entity~~] in this state may not issue a written or electronic vaccine passport, vaccine pass, or other standardized documentation to certify an individual's [~~COVID-19~~] vaccination status to a third party for a purpose other than health care or otherwise publish or share any individual's [~~COVID-19~~] immunization record or similar health information to facilitate the individual's identification related to vaccination status for a purpose other than health care.

(b-1)  A person may not use information contained in the immunization registry or any other immunization records collected by a state agency or a local governmental entity, including a school district, to issue or facilitate the issuance of a vaccine passport, vaccine pass, or other standardized documentation to certify an individual's vaccination status in violation of Subsection (b).

(c)  A business in this state may not require a customer to provide any documentation certifying the customer's [~~COVID-19~~] vaccination status or post-transmission recovery of a communicable disease on entry to, to gain access to, or to receive service from the business. A business that fails to comply with this subsection is not eligible to receive a grant or enter into a contract payable with state funds.

(e)  This section may not be construed to:

(1)  restrict a business from implementing [~~COVID-19~~] screening and infection control protocols in accordance with state and federal law to protect public health; or

(2)  interfere with an individual's right to access the individual's personal health information under federal law.

SECTION 8.  Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0086 to read as follows;

Sec. 161.0086.  ADVERSE EVENT REPORTING SYSTEM FOR VACCINES AND BOOSTER DOSES. (a) In this section "health care practitioner" means an individual licensed or otherwise authorized by this state to administer vaccines.

(b)  The department shall establish and maintain on the department's Internet website a publicly accessible reporting system to track adverse events following the administration of a vaccine or booster dose of that vaccine. The reporting system must:

(1)  enable health care practitioners and other individuals to submit information in accordance with this section; and

(2)  be maintained separately from the immunization registry or any other statewide registry for tracking immunization information.

(c)  A health care practitioner who administers a vaccine or booster dose of that vaccine to a patient shall submit to the reporting system information on any adverse event the patient experiences following the administration of the vaccine or booster dose, regardless of whether the vaccine or booster dose caused the adverse event.

(d)  An individual who obtains a vaccine or booster dose of that vaccine may report to the reporting system information on any adverse event the individual experiences following the administration of the vaccine or booster dose, regardless of whether the vaccine or booster dose caused the adverse event.

(e)  The appropriate licensing authority may impose disciplinary action, including an administrative penalty, on a health care practitioner who violates this section in the same manner and using the same procedures as the authority uses to impose disciplinary action on a health care practitioner who violates the authority's licensing or other regulatory laws or rules.

(f)  The executive commissioner shall adopt rules necessary to implement this section, including rules to ensure that information accessible through the reporting system does not disclose personally identifiable information or information that is confidential under state or federal law.

SECTION 9.  The following provisions are repealed:

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

(2)  Section 38.001(f), Education Code; and

(3)  Section 161.0085(a), Health and Safety Code.

SECTION 10.  (a) The changes in law made by this Act to Chapter 38, Education Code, apply starting with the 2023-2024 school year.

(b)  The changes in law made by this Act to Chapter 51, Education Code, apply beginning with the 2023-2024 academic year.

SECTION 11.  This Act takes effect September 1, 2023.