

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~~

1 ~~children~~. The department shall prepare the list in English and
2 Spanish and make the list available in a manner that permits a
3 school district to easily post the list on the district's Internet
4 website as required by Section 38.019.

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

9 (c) Immunization is not required for a person's admission to
10 any elementary or secondary school if the person applying for
11 admission:

12 (1) submits to the admitting official:

13 (A) an affidavit or a certificate signed by a
14 physician who is duly registered and licensed to practice medicine
15 in the United States, in which it is stated that, in the physician's
16 opinion, the immunization required poses a significant risk to the
17 health and well-being of the applicant or any member of the
18 applicant's family or household; or

19 (B) an affidavit signed by the applicant or, if a
20 minor, by the applicant's parent or guardian stating that the
21 applicant declines immunization for reasons of conscience,
22 including a religious belief; or

23 (2) is a member of the armed forces of the United
24 States and is on active duty.

25 (c-1) An affidavit submitted under Section (c)(1)(B) must
26 be on a form described by Section 161.0041, Health and Safety Code,
27 and must be submitted to the admitting official not later than the

1 90th day after the date the affidavit is notarized.

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

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

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

17 SECTION 2. Sections [81.023](#), Health and Safety Code, is
18 amended to read as follows:

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

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

27 (c) The department shall cooperate with the State Board of

1 Education in ~~formulating~~ and implementing immunization
2 requirements for students admitted to public or private primary or
3 secondary schools.

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