

By: Hall

S.B. No. 304

A BILL TO BE ENTITLED

AN ACT

relating to prohibited immunization status discrimination and vaccine mandates; authorizing administrative penalties.

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

ARTICLE 1. PROHIBITED IMMUNIZATION STATUS DISCRIMINATION

SECTION 1.01. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 122 to read as follows:

CHAPTER 122. PROHIBITED IMMUNIZATION STATUS DISCRIMINATION

Sec. 122.001. DEFINITION. In this chapter, "public accommodation" means a disposition, service, financial aid, or benefit provided to members of the public.

Sec. 122.002. 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;

(3) restricting in any way the individual's enjoyment of a public accommodation in a manner that distinguishes the

1 individual's enjoyment from the enjoyment of other members of the
2 public;

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

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

11 Sec. 122.003. COMPLAINT; EQUITABLE RELIEF. (a) A person may
12 file a complaint with the attorney general if the person asserts
13 facts supporting an allegation that another person has violated
14 Section 122.002. The person filing the complaint must include a
15 sworn affidavit stating that to the person's knowledge, all of the
16 facts asserted in the complaint are true and correct.

17 (b) If the attorney general determines a complaint filed
18 under Subsection (a) is valid, the attorney general may file a
19 petition for a writ of mandamus or apply for other appropriate
20 equitable relief in a district court in Travis County or in a county
21 in which the person against whom relief is sought resides to compel
22 the person to comply with Section 122.002.

23 Sec. 122.004. EFFECT ON OTHER LAW. This chapter prevails to
24 the extent of a conflict between this chapter and any other law.

25 SECTION 1.02. Subchapter A, Chapter 161, Health and Safety
26 Code, is amended by adding Sections 161.0057 and 161.0086 to read as
27 follows:

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

5 (b) A long-term care facility may not refuse to provide
6 services to a resident based on the resident's vaccination history
7 or immunity status for a communicable disease.

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

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

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

17 Sec. 161.0086. PROHIBITED IMMUNIZATION DISCRIMINATION.

18 (a) A health care provider or health care facility may not refuse to
19 provide a health care service to a patient based on a patient's
20 vaccination history or immunity status for a communicable disease.

21 (b) A health care facility providing clinical experience to
22 satisfy a student's degree requirements may not discriminate
23 against a student or prohibit admission, enrollment, or employment
24 as a student, intern, or resident based on the student's
25 vaccination history or immunity status for a communicable disease.

26 (c) Notwithstanding any other law, a health care provider or
27 health care facility that violates this section is ineligible to

1 receive state money for health care services provided to patients.

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

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

8 SECTION 1.03. Chapter 544, Insurance Code, is amended by
9 adding Subchapter O to read as follows:

10 SUBCHAPTER O. IMMUNIZATION STATUS

11 Sec. 544.701. DEFINITIONS. In this subchapter:

12 (1) "Health benefit plan issuer" means an issuer,
13 administrator, or sponsor of a health benefit plan described by
14 Section 544.702.

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

18 Sec. 544.702. APPLICABILITY OF SUBCHAPTER. (a) This
19 subchapter applies only to a health benefit plan that provides
20 benefits for medical or surgical expenses incurred as a result of a
21 health condition, accident, or sickness, including a group,
22 blanket, or franchise insurance policy or insurance agreement, a
23 group hospital service contract, or a group evidence of coverage or
24 similar coverage document that is offered by:

25 (1) an insurance company;

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

- 1 (3) a health maintenance organization operating under
2 Chapter 843;
- 3 (4) an approved nonprofit health corporation that
4 holds a certificate of authority under Chapter 844;
- 5 (5) a multiple employer welfare arrangement that holds
6 a certificate of authority under Chapter 846;
- 7 (6) a stipulated premium company operating under
8 Chapter 884;
- 9 (7) a fraternal benefit society operating under
10 Chapter 885;
- 11 (8) a Lloyd's plan operating under Chapter 941; or
12 (9) an exchange operating under Chapter 942.
- 13 (b) Notwithstanding any other law, this subchapter applies
14 to:
- 15 (1) a small employer health benefit plan subject to
16 Chapter 1501, including coverage provided through a health group
17 cooperative under Subchapter B of that chapter;
- 18 (2) a standard health benefit plan issued under
19 Chapter 1507;
- 20 (3) a basic coverage plan under Chapter 1551;
21 (4) a basic plan under Chapter 1575;
22 (5) a primary care coverage plan under Chapter 1579;
23 (6) a plan providing basic coverage under Chapter
24 1601;
- 25 (7) health benefits provided by or through a church
26 benefits board under Subchapter I, Chapter 22, Business
27 Organizations Code;

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

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

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

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

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

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

13 (c) This subchapter applies to a life insurance company
14 that:

15 (1) issues or delivers a life insurance policy in this
16 state; or

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

18 Sec. 544.703. PROHIBITED DISCRIMINATION AGAINST
19 INDIVIDUAL. A group health benefit plan issuer or a life insurance
20 company may not use an individual's vaccination history or immunity
21 status for a communicable disease to:

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

25 (2) limit the amount, extent, or kind of coverage
26 available to the individual; or

27 (3) otherwise adversely affect the individual's

1 eligibility for coverage.

2 Sec. 544.704. PROHIBITED DISCRIMINATION IN GROUP PLAN
3 RATING. The vaccination history or immunity status for a
4 communicable disease of individuals covered under a group health
5 benefit plan that provides coverage in this state may not be used as
6 a factor in the rating of the plan.

7 Sec. 544.705. PROHIBITED DISCRIMINATION AGAINST
8 PARTICIPATING PROVIDER. (a) A health benefit plan issuer may not
9 use the vaccination history or immunity status for a communicable
10 disease of a health care provider's patients as a qualification or
11 requirement for contracting with the provider or as a basis for
12 terminating a contract with the provider.

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

17 Sec. 544.706. EFFECT ON OTHER LAW. This subchapter
18 prevails to the extent of a conflict between this subchapter and any
19 other law.

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

22 SUBCHAPTER H-1. DISCRIMINATION BASED ON IMMUNIZATION STATUS

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

1 of employment based on the individual's vaccination history or
2 immunity status for a communicable disease.

3 (b) A labor organization commits an unlawful employment
4 practice if the labor organization excludes or expels from
5 membership or otherwise discriminates against an individual based
6 on the individual's vaccination history or immunity status for a
7 communicable disease.

8 (c) An employment agency commits an unlawful employment
9 practice if the employment agency classifies or refers for
10 employment, fails or refuses to refer for employment, or otherwise
11 discriminates against an individual based on the individual's
12 vaccination history or immunity status for a communicable disease.

13 (d) An employer, labor organization, or employment agency
14 commits an unlawful employment practice if the employer, labor
15 organization, or employment agency limits, segregates, or
16 classifies an employee, member, or applicant for employment or
17 membership in a way that would deprive or tend to deprive the
18 employee, member, or applicant of employment opportunities or
19 otherwise adversely affect the status of the employee, member, or
20 applicant based on the employee's, member's, or applicant's
21 vaccination history or immunity status for a communicable disease.

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

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

27 CHAPTER 60. IMMUNIZATION DISCRIMINATION

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

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

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

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

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

14 CHAPTER 103A. RIGHT TO OBJECT TO VACCINATIONS; PROHIBITED
15 IMMUNIZATION DISCRIMINATION

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. PROHIBITED IMMUNIZATION DISCRIMINATION.
22 (a) A hospital or other health care facility may not discriminate
23 against an employee, including a physician, nurse, or staff member,
24 or an 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 521.015 to read as follows:

26 Sec. 521.015. PROHIBITED IMMUNIZATION DISCRIMINATION. (a)
27 The department may not use an individual's vaccination history or

1 immunity status for 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 based
6 on the individual's vaccination history or immunity status or
7 refusal to provide proof of vaccination or immunity to a
8 communicable disease.

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

11 ARTICLE 2. PROHIBITED VACCINATION MANDATES

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

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

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

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

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

1 ~~admission under that section and under rules adopted under that~~
2 ~~section].~~

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

5 Sec. 38.001. RECOMMENDED IMMUNIZATIONS AND VACCINES
6 ~~[IMMUNIZATION, REQUIREMENTS, EXCEPTIONS]~~.

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

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

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

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

24 [~~1~~] a list, in English and Spanish, of:

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

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

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

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

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

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

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

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

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

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

27 (d) A physician or other health care provider conducting an

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

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

13 (b) The executive commissioner by rule shall prohibit a
14 health and human services agency from taking a punitive action
15 against a person responsible for a child's care, custody, or
16 welfare for declining [~~failure of the person~~] to immunize or
17 vaccinate the child for any communicable disease [~~ensure that the~~
18 ~~child receives the immunization series prescribed by Section~~
19 ~~161.004, Health and Safety Code~~].

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

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

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

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

1 ~~[(3)]~~ Chapter 826 (Rabies Control Act of 1981)~~]~~
2 ~~[(4) Chapter 81 (Communicable Disease Prevention and~~
3 ~~Control Act); and~~
4 ~~[(5) Section 161.005].~~

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

7 (f) In this section, "control measures" does not include
8 administration of a vaccine and includes:

- 9 (1) ~~[immunization;~~
- 10 ~~[(2)]~~ detention;
- 11 (2) ~~[(3)]~~ restriction;
- 12 (3) ~~[(4)]~~ disinfection;
- 13 (4) ~~[(5)]~~ decontamination;
- 14 (5) ~~[(6)]~~ isolation;
- 15 (6) ~~[(7)]~~ quarantine;
- 16 (7) ~~[(8)]~~ disinfestation;
- 17 (8) ~~[(9)]~~ chemoprophylaxis;
- 18 (9) ~~[(10)]~~ preventive therapy;
- 19 (10) ~~[(11)]~~ prevention; and
- 20 (11) ~~[(12)]~~ education.

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

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

1 public from the communicable disease, but the department may not
2 administer a vaccine to the individual without the individual's
3 consent.

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

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

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

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

- 14 (1) require an individual to be vaccinated;
15 (2) require an individual to participate in the
16 administration of a vaccine; or
17 (3) discriminate or impose a civil or criminal penalty
18 against an individual who refuses vaccination or participation in
19 the administration of a vaccine.

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

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

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

- 26 (c) The report must:
27 (1) include the current immunization rates by

1 geographic region of the state, where available;

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

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

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

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

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

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

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

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

22 (10) include ways to increase provider participation
23 in the registry.

24 SECTION 2.15. Section 161.0105(c), Health and Safety Code,
25 is amended to read as follows:

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

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

4 (b) The policy must:

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

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

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

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

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

27 (4) [~~(6)~~] prohibit discrimination or retaliatory

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

8 (5) [~~(7)~~] require the health care facility to maintain
9 a written or electronic record of each covered individual's
10 immunization history [~~compliance with or exemption from the policy,~~
11 ~~and~~

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

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

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

21 (d) The responsibility agreement shall require that:

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

26 (2) if adequate and accessible providers of the
27 services are available in the geographic area and subject to the

1 availability of funds, each dependent child, as appropriate,
2 complete early and periodic screening, diagnosis, and treatment
3 checkups on schedule [~~and receive the immunization series~~
4 ~~prescribed by Section 161.004, Health and Safety Code, unless the~~
5 ~~child is exempt under that section~~];

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

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

14 (A) continuing the person's education or
15 becoming literate;

16 (B) entering a job placement or employment skills
17 training program;

18 (C) serving as a volunteer in the person's
19 community; or

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

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

26 (6) each dependent child younger than 18 years of age
27 or teen parent younger than 19 years of age attend school regularly,

1 unless the child has a high school diploma or high school
2 equivalency certificate or is specifically exempted from school
3 attendance under Section 25.086, Education Code;

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

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

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

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

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

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

26 [~~(2) an affidavit signed by the child's parent or~~
27 ~~guardian stating that the applicant declines immunization for~~

1 ~~reasons of conscience, including a religious belief].~~

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

5 (c) The policy must:

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

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

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

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

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

1 (4) [~~(6)~~] prohibit discrimination or retaliatory
2 action against a facility employee who declines to receive [~~is~~
3 ~~exempt from~~] the recommended [~~required~~] vaccines [~~for the medical~~
4 ~~conditions identified as contraindications or precautions by the~~
5 ~~Centers for Disease Control and Prevention~~], except that required
6 use of protective medical equipment, including gloves and masks,
7 may not be considered retaliatory action for purposes of this
8 subdivision; and

9 (5) [~~(7)~~] require the child-care facility to maintain
10 a written or electronic record of each facility employee's
11 immunization history [~~compliance with or exemption from the policy,~~
12 ~~and~~

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

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

20 SECTION 2.20. The following provisions are repealed:

21 (1) Sections [38.001](#)(a), (c), (c-1), (d), (e), and
22 (f), Education Code;

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

26 (3) Section [38.019](#)(a-1), Education Code;

27 (4) Section [51.9192](#), Education Code;

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

16 ARTICLE 3. TRANSITION AND EFFECTIVE DATE

17 SECTION 3.01. Each facility subject to Chapter 224, Health
18 and Safety Code, as amended by this Act, or Section 42.04305, Human
19 Resources Code, as amended by this Act, shall modify the facility's
20 vaccine-preventable disease policy to conform with the changes in
21 law made by this Act not later than January 1, 2024.

22 SECTION 3.02. (a) Subchapter O, Chapter 544, Insurance
23 Code, as added by this Act, applies only to a health benefit plan or
24 insurance policy delivered, issued for delivery, or renewed on or
25 after January 1, 2024.

26 (b) Section 544.705, Insurance Code, as added by this Act,
27 applies only to a contract entered into on or after the effective

1 date of this Act.

2 SECTION 3.03. (a) The changes in law made by this Act to
3 Title 2, Education Code, apply starting with the 2023-2024 school
4 year.

5 (b) The changes in law made by this Act to Title 3, Education
6 Code, apply starting with the 2023-2024 academic year.

7 SECTION 3.04. This Act takes effect immediately if it
8 receives a vote of two-thirds of all the members elected to each
9 house, as provided by Section 39, Article III, Texas Constitution.
10 If this Act does not receive the vote necessary for immediate
11 effect, this Act takes effect September 1, 2023.