

By: Hall

S.B. No. 305

A BILL TO BE ENTITLED

AN ACT

relating to vaccine administration requirements and protection of immunization exemptions for health reasons.

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

SECTION 1. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Sections 161.0035 and 161.0045 to read as follows:

Sec. 161.0035. VACCINATION ADMINISTRATION REQUIREMENTS.

(a) A person administering a vaccine to a patient shall:

(1) before administering the vaccine, provide to the patient written information on the vaccine's benefits and risks, including any vaccine information statement required by the National Childhood Vaccine Injury Act of 1986 (42 U.S.C. Section 300aa-1 et seq.);

(2) for each vaccine the person administers, maintain a permanent record of the vaccine manufacturer and lot number;

(3) record each serious health problem, including hospitalization, injury, or death, a patient sustains following a vaccine the person administers and place that information in the patient's record;

(4) report to the federal Vaccine Adverse Event Reporting System any serious health problem, including hospitalization, injury, or death, a patient sustains following a vaccine the person administers; and

1 (5) for each vaccine administered, provide to the
2 patient the Vaccine Excipient Summary published by the Centers for
3 Disease Control and Prevention.

4 (b) Reporting an adverse event associated with the
5 administration of a vaccine to the vaccine manufacturer does not
6 satisfy the requirements of Subsection (a)(4).

7 (c) A person who violates this section and holds a license
8 or other certification issued by this state that authorizes the
9 person to administer a vaccine is subject to disciplinary action by
10 the appropriate licensing or certifying authority as if the person
11 violated the applicable licensing or certification law.

12 (d) A person may bring a civil action to enjoin a violation
13 of this section against a person who violates this section and who
14 is not subject to disciplinary action under Subsection (c). A
15 claimant who prevails in the action may recover attorney's fees and
16 costs associated with bringing the action.

17 Sec. 161.0045. IMMUNIZATION HEALTH EXEMPTION PROTECTIONS.

18 (a) In this section, "health exemption" means an affidavit or
19 certificate a health care practitioner signs stating that, in the
20 practitioner's opinion, an immunization poses a significant risk to
21 the health and well-being of the practitioner's patient.

22 (b) A governmental official, including an official for a
23 licensing or certification authority, may not question or sanction
24 a health care practitioner for granting a health exemption to the
25 practitioner's patient.

26 (c) Notwithstanding any other law, a person, including a
27 state public health official, child-care facility, school,

1 institution of higher education, public or private employer, and
2 medical service or long-term care provider, shall:

3 (1) accept a health exemption:

4 (A) provided by a health care practitioner; and

5 (B) filed by an individual on behalf of the
6 individual or the individual's minor child for education,
7 employment, medical or long-term care, or another activity
8 necessary for the individual's quality of life; and

9 (2) exempt the individual described by the health
10 exemption from an immunization requirement imposed by the person or
11 under the laws of this state.

12 (d) A person who violates Subsection (c) and holds a license
13 or other certification issued by this state is subject to
14 disciplinary action by the appropriate licensing or certifying
15 authority as if the person violated the applicable licensing or
16 certification law.

17 (e) A person may bring a civil action to enjoin a violation
18 of this section against a person who violates this section and who
19 is not subject to disciplinary action under Subsection (d). A
20 claimant who prevails in the action may recover attorney's fees and
21 costs associated with bringing the action.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2023.