

By: Hall

S.B. No. 626

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the affidavit form provided by the Department of State  
3 Health Services for certain immunization exemptions.

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

5 SECTION 1. Section 38.001, Education Code, is amended by  
6 adding Subsection (c-2) to read as follows:

7 (c-2) Notwithstanding this section, an elementary or  
8 secondary school may not deny admission to a student who fails to  
9 obtain the immunizations required under this section or to submit  
10 the affidavit described by Subsection (c)(1)(B) if the student or  
11 the student's parent or guardian provides to the school's admitting  
12 official documentation evidencing that a request to obtain the  
13 affidavit has been submitted to the Department of State Health  
14 Services under Section 161.0041, Health and Safety Code.

15 SECTION 2. Section 51.9192, Education Code, is amended by  
16 adding Subsection (d-7) to read as follows:

17 (d-7) Subsection (c) does not apply to a student who fails  
18 to obtain a bacterial meningitis vaccination dose or booster or to  
19 submit the affidavit described by Subsection (d)(2) if the student  
20 or the student's parent or guardian provides to the institution  
21 documentation evidencing that a request to obtain the affidavit has  
22 been submitted to the Department of State Health Services under  
23 Section 161.0041, Health and Safety Code.

24 SECTION 3. Section 51.933, Education Code, is amended by

1 adding Subsection (d-2) to read as follows:

2 (d-2) Notwithstanding this section, an institution of  
3 higher education may not deny admission to a person who fails to  
4 obtain an immunization required by this section or to submit the  
5 affidavit described by Subsection (d)(1)(B) if the person or the  
6 person's parent or guardian provides to the institution's admitting  
7 official documentation evidencing that a request to obtain the  
8 affidavit has been submitted to the Department of State Health  
9 Services under Section 161.0041, Health and Safety Code.

10 SECTION 4. Section 161.0041, Health and Safety Code, is  
11 amended by amending Subsection (c) and adding Subsection (c-1) to  
12 read as follows:

13 (c) A person claiming an exemption from a required  
14 immunization under this section may only obtain the affidavit form  
15 by submitting a [~~written~~] request for the affidavit form to the  
16 department. The department shall allow a person to electronically  
17 submit a request for the affidavit form through the department's  
18 Internet website.

19 (c-1) The department shall develop and provide to each  
20 person who submits a request for the affidavit form a standardized  
21 receipt confirming submission of the request, regardless of whether  
22 the request was submitted electronically, in person, or by mail or  
23 fax.

24 SECTION 5. Section 42.043, Human Resources Code, is amended  
25 by adding Subsection (d-2) to read as follows:

26 (d-2) Notwithstanding this section, a facility regulated  
27 under this chapter may not deny admission to a child who fails to

1 obtain the immunizations required under this section or to submit  
2 the affidavit described by Subsection (d)(2) if the child's parent  
3 or guardian provides to the facility documentation evidencing that  
4 a request to obtain the affidavit has been submitted to the  
5 Department of State Health Services under Section [161.0041](#), Health  
6 and Safety Code.

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