

By: Kolkhorst

S.B. No. 1025

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to immunization requirements and documentation, including  
3 adverse event tracking following the administration of vaccines and  
4 booster doses.

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

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

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

13 (b-1) Each year, the Department of State Health Services  
14 shall prepare a list of the immunizations required ~~[under this~~  
15 ~~section]~~ for admission to public schools ~~[and of any additional~~  
16 ~~immunizations the department recommends for school-age children].~~  
17 The department shall prepare the list in English and Spanish and  
18 make the list available in a manner that permits a school district  
19 to easily post the list on the district's Internet website as  
20 required by Section 38.019.

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

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

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

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

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

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

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

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

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

1 declared such an emergency or epidemic.

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

7 SECTION 4. Sections [81.023](#)(a) and (c), Health and Safety  
8 Code, are amended to read as follows:

9 (a) The executive commissioner may recommend to the  
10 legislature immunizations to include on the list of immunizations  
11 required [~~department shall develop immunization requirements~~] for  
12 children under Section [161.004](#).

13 (c) The department shall cooperate with the State Board of  
14 Education in [~~formulating and~~] implementing immunization  
15 requirements for students admitted to public or private primary or  
16 secondary schools.

17 SECTION 5. Section [161.004](#)(a), Health and Safety Code, is  
18 amended to read as follows:

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

27 SECTION 6. The heading to Section [161.0085](#), Health and

1 Safety Code, is amended to read as follows:

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

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

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

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

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

1 with state funds.

2 (e) This section may not be construed to:

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

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

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

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

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

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

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

24 (c) A health care practitioner who administers a vaccine or  
25 booster dose of that vaccine to a patient shall submit to the  
26 reporting system information on any adverse event the patient  
27 experiences following the administration of the vaccine or booster

1 dose, regardless of whether the vaccine or booster dose caused the  
2 adverse event.

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

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

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

19 SECTION 9. The following provisions are repealed:

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

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

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

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

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

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