

By: Hall

S.B. No. 1177

A BILL TO BE ENTITLED

AN ACT

relating to required immunizations for children and primary or secondary school students.

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

SECTION 1. Sections 81.023(a) and (c), Health and Safety Code, are amended to read as follows:

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

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

SECTION 2. Section 161.004(a), Health and Safety Code, is amended to read as follows:

(a) Every child in the state shall be immunized against diphtheria, mumps, poliomyelitis, rubella, rubeola, and tetanus [~~vaccine preventable diseases caused by infectious agents~~] in accordance with the [~~immunization~~] schedule prescribed [~~adopted~~] in department rules. The executive commissioner may not require immunizations against any additional diseases for students admitted to a public or private primary or secondary school.

SECTION 3. Sections 38.001(a) and (b-1), Education Code,

1 are amended to read as follows:

2 (a) Except as provided by Subsection (c), each [~~Each~~]
3 student shall be fully immunized against the diseases listed in
4 Section 161.004, Health and Safety Code [~~diphtheria, rubeola,~~
5 ~~rubella, mumps, tetanus, and poliomyelitis, except as provided by~~
6 ~~Subsection (c)~~].

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

15 SECTION 4. Section 38.019(a), Education Code, is amended to
16 read as follows:

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

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

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

23 (B) [~~any immunizations or vaccines recommended~~
24 ~~for public school students by the Department of State Health~~
25 ~~Services, and~~

26 [(C)] health clinics in the district that offer
27 the influenza vaccine, to the extent those clinics are known to the

1 district; and

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

6 SECTION 5. Section 42.043(b), Human Resources Code, is
7 amended to read as follows:

8 (b) The department shall require that each child at an
9 appropriate age have a test for tuberculosis and be immunized
10 against the diseases listed in Section 161.004, Health and Safety
11 Code [~~diphtheria, tetanus, poliomyelitis, mumps, rubella, rubeola,~~
12 ~~invasive pneumococcal disease, and hepatitis A and against any~~
13 ~~other communicable disease as recommended by the Department of~~
14 ~~State Health Services~~]. The immunization must be effective on the
15 date of first entry into the facility. However, a child may be
16 provisionally admitted if the required immunizations have begun and
17 are completed as rapidly as medically feasible.

18 SECTION 6. Section 38.001(b), Education Code, as amended by
19 Chapters 43 (H.B. 1098) and 94 (H.B. 1059), Acts of the 80th
20 Legislature, Regular Session, 2007, is repealed.

21 SECTION 7. The changes in law made by this Act to Chapter
22 38, Education Code, apply starting with the 2023-2024 school year.

23 SECTION 8. This Act takes effect September 1, 2023.