

By: Rosenthal

H.B. No. 2755

A BILL TO BE ENTITLED

AN ACT

relating to requirements for and transparency of epidemiological reports and immunization exemption information and reports.

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

SECTION 1. Section 81.047, Health and Safety Code, is amended to read as follows:

Sec. 81.047. EPIDEMIOLOGICAL REPORTS. (a) Subject to the confidentiality requirements of this chapter, the department shall require epidemiological reports of disease outbreaks and of individual cases of disease suspected or known to be of importance to the public health, including vaccine preventable diseases. The department shall evaluate the reports to determine the trends involved and the nature and magnitude of the hazards.

(b) The department shall prepare and submit to the legislature and the governor not later than December 1 of each even-numbered year a biennial report that contains:

(1) a report of outbreaks of vaccine preventable diseases in this state; and

(2) de-identified immunization exemption information, including the number of persons claiming an exemption from the immunization requirements of Section 161.004 of this code, Sections 38.001, 51.9192, and 51.933, Education Code, and Section 42.043, Human Resources Code.

SECTION 2. Section 38.002, Education Code, is amended by

1 amending Subsections (a) and (c) and adding Subsections (d), (e),
2 (f), and (g) to read as follows:

3 (a) Each public school shall keep an individual
4 immunization record during the period of attendance for each
5 student admitted. The records shall be open for inspection at all
6 reasonable times by the agency [~~Texas Education Agency~~] or by
7 representatives of local health departments or the [~~Texas~~]
8 Department of State Health Services.

9 (c) The agency [~~Texas Education Agency~~] and the [~~Texas~~]
10 Department of State Health Services shall develop the form for a
11 required annual report of the immunization status of students that
12 includes de-identified immunization exemption information. The
13 report shall be submitted by all schools at the time and in the
14 manner indicated in the instructions printed on the form.

15 (d) Each school district shall provide to the Department of
16 State Health Services the information required by Subsection (c)
17 for the district and each school campus in the district.

18 (e) The Department of State Health Services shall post on
19 the department's public Internet website the required annual report
20 submitted under Subsection (c) on the immunization status of
21 students for each school district and each school campus.

22 (f) On request of a student's parent or legal guardian, a
23 school district or school campus shall provide to the parent or
24 guardian a copy of the following information for the campus at which
25 the student is enrolled:

26 (1) the immunization rate disaggregated by type of
27 vaccine; and

1 (2) the information submitted under Subsection (c),
2 including:
3 (A) de-identified immunization exemption
4 information;
5 (B) the number of students provisionally
6 enrolled pending documentation of immunization;
7 (C) the number of students claiming an exemption
8 for reasons of conscience, including a religious belief;
9 (D) the number of students claiming an exemption
10 for a medical reason; and
11 (E) the number of students whose vaccinations are
12 not current.

13 (g) The commissioner and the executive commissioner of the
14 Health and Human Services Commission shall adopt rules as necessary
15 to ensure a report of the immunization status of students provided
16 under Subsections (e) and (f) complies with federal law regarding
17 confidentiality of student medical or educational information,
18 including the Health Insurance Portability and Accountability Act
19 of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational
20 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

21 SECTION 3. As soon as practicable after the effective date
22 of this Act, the Texas Education Agency shall update the form
23 required by Section 38.002(c), Education Code, as amended by this
24 Act, to comply with that subsection.

25 SECTION 4. This Act applies beginning with the 2025-2026
26 school year.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2025.