

By: Lowe

H.B. No. 3304

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on vaccination mandates.

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

SECTION 1. Section 25.002(a), Education Code, is amended to read as follows:

(a) If a parent or other person with legal control of a child under a court order enrolls the child in a public school, the parent or other person or the school district in which the child most recently attended school shall furnish to the school district:

(1) the child's birth certificate or another document suitable as proof of the child's identity; and

(2) a copy of the child's records from the school the child most recently attended if the child has been previously enrolled in a school in this state or another state, including for a child who most recently attended a public school in this state, a copy of the child's disciplinary record and any threat assessment involving the child's behavior conducted under Section 37.115[, and

~~[(3) a record showing that the child has the immunizations as required under Section 38.001, in the case of a child required under that section to be immunized, proof as required by that section showing that the child is not required to be immunized, or proof that the child is entitled to provisional admission under that section and under rules adopted under that section].~~

1 SECTION 2. The heading to Section 38.001, Education Code,
2 is amended to read as follows:

3 Sec. 38.001. RECOMMENDED IMMUNIZATIONS [~~IMMUNIZATION,~~
4 ~~REQUIREMENTS, EXCEPTIONS~~].

5 SECTION 3. Section 38.001(b-1), Education Code, is amended
6 to read as follows:

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. A school district or a school,
15 including a private school, may not require any immunizations as a
16 condition of admission to or attendance at an elementary or
17 secondary school.

18 SECTION 4. Sections 38.019(a) and (b), Education Code, are
19 amended to read as follows:

20 (a) A school district that maintains an Internet website
21 shall post prominently on the website[+

22 [~~(1)~~] a list, in English and Spanish, of:

23 (1) [~~(A) the immunizations required for admission to~~
24 ~~public school by rules of the Department of State Health Services~~
25 ~~adopted under Section 38.001,~~

26 [~~(B)~~] any immunizations or vaccines recommended
27 for public school students by the Department of State Health

1 Services; and

2 (2) [~~(c)~~] health clinics in the district that offer
3 the influenza vaccine, to the extent those clinics are known to the
4 district[~~, and~~

5 [~~(2) a link to the Department of State Health Services~~
6 ~~Internet website where a person may obtain information relating to~~
7 ~~the procedures for claiming an exemption from the immunization~~
8 ~~requirements of Section 38.001].~~

9 (b) The list of recommended immunizations or vaccines under
10 Subsection (a)(1) [~~(a)(2)~~] must include the influenza vaccine[~~,
11 unless the Department of State Health Services requires the
12 influenza vaccine for admission to public school].~~

13 SECTION 5. The heading to Section 51.933, Education Code,
14 is amended to read as follows:

15 Sec. 51.933. IMMUNIZATION INFORMATION [~~REQUIREMENTS,
16 EXCEPTION~~].

17 SECTION 6. Section 51.933(a), Education Code, is amended to
18 read as follows:

19 (a) An institution of higher education may not require
20 students or applicants for admission to be immunized against any
21 communicable disease [~~diphtheria, rubella, mumps,
22 tetanus, and poliomyelitis, except as provided in Subsection (d)].~~

23 SECTION 7. Section 264.1076(d), Family Code, is amended to
24 read as follows:

25 (d) A physician or other health care provider conducting an
26 examination under Subsection (b) may not administer a vaccination
27 as part of the examination without parental consent[~~, except that a~~

1 ~~physician or other health care provider may administer a tetanus~~
2 ~~vaccination to a child in a commercially available preparation if~~
3 ~~the physician or other health care provider determines that an~~
4 ~~emergency circumstance requires the administration of the~~
5 ~~vaccination].~~ The prohibition on the administration of a
6 vaccination under this subsection does not apply after the
7 department has been named managing conservator of the child after a
8 hearing conducted under Subchapter C, Chapter 262.

9 SECTION 8. Section 526.0505(b), Government Code, as
10 effective April 1, 2025, is amended to read as follows:

11 (b) The executive commissioner by rule shall prohibit a
12 health and human services agency from taking a punitive action
13 against a person responsible for a child's care, custody, or
14 welfare for declining ~~[the person's failure]~~ to immunize or
15 vaccinate the child for any communicable disease ~~[ensure that the~~
16 ~~child receives the immunization series prescribed by Section~~
17 161.004, Health and Safety Code].

18 SECTION 9. Section 12.033(a), Health and Safety Code, is
19 amended to read as follows:

20 (a) Except as otherwise provided by this section, the
21 executive commissioner by rule shall adopt fees to be collected by
22 the department for the distribution and administration of vaccines
23 and sera provided under [+

24 [~~(1) Section 38.001, Education Code,~~

25 [~~(2) Section 42.043, Human Resources Code,~~

26 [~~(3)] Chapter 826 (Rabies Control Act of 1981) [+~~

27 [~~(4) Chapter 81 (Communicable Disease Prevention and~~

1 ~~Control Act); and~~

2 ~~[(5) Section 161.005].~~

3 SECTION 10. Section 81.082(f), Health and Safety Code, is
4 amended to read as follows:

5 (f) In this section, "control measures" does not include an
6 immunization or vaccine and includes:

- 7 (1) ~~[immunization,~~
- 8 ~~[(2)]~~ detention;
- 9 (2) ~~[(3)]~~ restriction;
- 10 (3) ~~[(4)]~~ disinfection;
- 11 (4) ~~[(5)]~~ decontamination;
- 12 (5) ~~[(6)]~~ isolation;
- 13 (6) ~~[(7)]~~ quarantine;
- 14 (7) ~~[(8)]~~ disinfestation;
- 15 (8) ~~[(9)]~~ chemoprophylaxis;
- 16 (9) ~~[(10)]~~ preventive therapy;
- 17 (10) ~~[(11)]~~ prevention; and
- 18 (11) ~~[(12)]~~ education.

19 SECTION 11. Section 81.085(i), Health and Safety Code, is
20 amended to read as follows:

21 (i) On request of the department during a public health
22 disaster, an individual shall disclose the individual's
23 immunization information. If the individual does not have updated
24 or appropriate immunizations, the department may take appropriate
25 action during a quarantine to protect that individual and the
26 public from the communicable disease, but the department may not
27 administer a vaccine to the individual without the individual's

1 consent.

2 SECTION 12. The heading to Section 161.0051, Health and
3 Safety Code, is amended to read as follows:

4 Sec. 161.0051. REQUIRED OFFER OF IMMUNIZATIONS FOR NURSING
5 HOMES.

6 SECTION 13. Subchapter A, Chapter 161, Health and Safety
7 Code, is amended by adding Section 161.0055 to read as follows:

8 Sec. 161.0055. PROHIBITED VACCINATION MANDATES. (a) A
9 governmental entity or official, including the governor, a state
10 agency, a political subdivision, or a political subdivision
11 official, may not require an individual to:

12 (1) be vaccinated; or

13 (2) participate in the administration of a vaccine.

14 (b) This section applies to all other law, including an
15 agency rule, executive order, or emergency order.

16 (c) This section prevails to the extent of a conflict
17 between this section and any other law.

18 SECTION 14. Section 161.0074(c), Health and Safety Code, is
19 amended to read as follows:

20 (c) The report must:

21 (1) include the current immunization rates by
22 geographic region of the state, where available;

23 (2) focus on the geographic regions of the state with
24 immunization rates below the state average for preschool children;

25 (3) describe the approaches identified to increase
26 immunization rates in underserved areas and the estimated cost for
27 each;

1 (4) identify changes to department procedures needed
2 to increase immunization rates;

3 (5) identify the services provided under and
4 provisions of contracts entered into by the department to increase
5 immunization rates in underserved areas;

6 (6) identify performance measures used in contracts
7 described by Subdivision (5);

8 (7) include the number and type of exemptions used in
9 the past year;

10 (8) include the number of complaints received by the
11 department related to the department's failure to comply with
12 requests for exclusion of individuals from the registry;

13 (9) identify all reported incidents of discrimination
14 for requesting exclusion from the registry [~~or for using an~~
15 ~~exemption for a required immunization~~]; and

16 (10) include ways to increase provider participation
17 in the registry.

18 SECTION 15. Section 161.0105(c), Health and Safety Code, is
19 amended to read as follows:

20 (c) The immunity created by this section is in addition to
21 any immunity created by Section [~~Sections 161.001 and~~] 161.007(i).

22 SECTION 16. Section 224.002(b), Health and Safety Code, is
23 amended to read as follows:

24 (b) The policy must:

25 (1) encourage [~~require~~] covered individuals to
26 receive vaccines for the vaccine preventable diseases specified by
27 the facility based on the level of risk the individual presents to

1 patients by the individual's routine and direct exposure to
2 patients;

3 (2) specify the recommended vaccines a covered
4 individual is encouraged [~~required~~] to receive based on the level
5 of risk the individual presents to patients by the individual's
6 routine and direct exposure to patients;

7 [~~include procedures for verifying whether a~~
8 ~~covered individual has complied with the policy;~~

9 [~~(4) include procedures for a covered individual to be~~
10 ~~exempt from the required vaccines for the medical conditions~~
11 ~~identified as contraindications or precautions by the Centers for~~
12 ~~Disease Control and Prevention;~~

13 [~~(5)~~] for a covered individual who declines to receive
14 [~~is exempt from~~] the recommended [~~required~~] vaccines, include
15 procedures the individual must follow to protect facility patients
16 from exposure to disease, such as the use of protective medical
17 equipment, such as gloves and masks, based on the level of risk the
18 individual presents to patients by the individual's routine and
19 direct exposure to patients;

20 (4) [~~(6)~~] prohibit discrimination or retaliatory
21 action against a covered individual who declines to receive [~~is~~
22 ~~exempt from~~] the recommended [~~required~~] vaccines for the medical
23 conditions identified as contraindications or precautions by the
24 Centers for Disease Control and Prevention, except that required
25 use of protective medical equipment, such as gloves and masks, may
26 not be considered retaliatory action for purposes of this
27 subdivision; and

1 (5) ~~[(7)]~~ require the health care facility to maintain
2 a written or electronic record of each covered individual's
3 immunization record ~~[compliance with or exemption from the policy,~~
4 ~~and~~

5 ~~[(8) include disciplinary actions the health care~~
6 ~~facility is authorized to take against a covered individual who~~
7 ~~fails to comply with the policy].~~

8 SECTION 17. Section 31.0031(d), Human Resources Code, is
9 amended to read as follows:

10 (d) The responsibility agreement shall require that:

11 (1) the parent of a dependent child cooperate with the
12 commission and the Title IV-D agency if necessary to establish the
13 paternity of the dependent child and to establish or enforce child
14 support;

15 (2) if adequate and accessible providers of the
16 services are available in the geographic area and subject to the
17 availability of funds, each dependent child, as appropriate,
18 complete early and periodic screening, diagnosis, and treatment
19 checkups on schedule ~~[and receive the immunization series~~
20 ~~prescribed by Section 161.004, Health and Safety Code, unless the~~
21 ~~child is exempt under that section];~~

22 (3) each adult recipient, or teen parent recipient who
23 has completed the requirements regarding school attendance in
24 Subdivision (6), not voluntarily terminate paid employment of at
25 least 30 hours each week without good cause in accordance with rules
26 adopted by the executive commissioner;

27 (4) each adult recipient for whom a needs assessment

1 is conducted participate in an activity to enable that person to
2 become self-sufficient by:

3 (A) continuing the person's education or
4 becoming literate;

5 (B) entering a job placement or employment skills
6 training program;

7 (C) serving as a volunteer in the person's
8 community; or

9 (D) serving in a community work program or other
10 work program approved by the commission;

11 (5) each caretaker relative or parent receiving
12 assistance not use, sell, or possess marihuana or a controlled
13 substance in violation of Chapter 481, Health and Safety Code, or
14 abuse alcohol;

15 (6) each dependent child younger than 18 years of age
16 or teen parent younger than 19 years of age attend school regularly,
17 unless the child has a high school diploma or high school
18 equivalency certificate or is specifically exempted from school
19 attendance under Section 25.086, Education Code;

20 (7) each recipient comply with commission rules
21 regarding proof of school attendance; and

22 (8) each recipient attend appropriate parenting
23 skills training classes, as determined by the needs assessment.

24 SECTION 18. Sections 42.043(b) and (d), Human Resources
25 Code, are amended to read as follows:

26 (b) The department shall require that each child at an
27 appropriate age have a test for tuberculosis [~~and be immunized~~

1 ~~against diphtheria, tetanus, poliomyelitis, mumps, rubella,~~
2 ~~rubeola, invasive pneumococcal disease, and hepatitis A and against~~
3 ~~any other communicable disease as recommended by the Department of~~
4 ~~State Health Services. The immunization must be effective on the~~
5 ~~date of first entry into the facility. However, a child may be~~
6 ~~provisionally admitted if the required immunizations have begun and~~
7 ~~are completed as rapidly as medically feasible].~~

8 (d) No immunization may be required for admission to a
9 facility regulated under this chapter ~~[if a person applying for a~~
10 ~~child's admission submits one of the following affidavits:~~

11 ~~[(1) an affidavit signed by a licensed physician~~
12 ~~stating that the immunization poses a significant risk to the~~
13 ~~health and well-being of the child or a member of the child's family~~
14 ~~or household; or~~

15 ~~[(2) an affidavit signed by the child's parent or~~
16 ~~guardian stating that the applicant declines immunization for~~
17 ~~reasons of conscience, including a religious belief].~~

18 SECTION 19. Section [42.04305\(c\)](#), Human Resources Code, is
19 amended to read as follows:

20 (c) The policy must:

21 (1) encourage ~~[require]~~ each facility employee to
22 receive vaccines for the vaccine-preventable diseases specified by
23 the child-care facility based on the level of risk the employee
24 presents to children by the employee's routine and direct exposure
25 to children;

26 (2) specify the recommended vaccines a facility
27 employee is encouraged ~~[required]~~ to receive based on the level of

1 risk the employee presents to children by the employee's routine
2 and direct exposure to children;

3 (3) [~~include procedures for verifying whether a~~
4 ~~facility employee has complied with the policy,~~

5 [~~(4) include procedures for a facility employee to be~~
6 ~~exempt from the required vaccines for the medical conditions~~
7 ~~identified as contraindications or precautions by the Centers for~~
8 ~~Disease Control and Prevention,~~

9 [(5)] for a facility employee who declines to receive
10 [~~is exempt from]~~ the recommended [~~required~~] vaccines, include
11 procedures the employee must follow to protect children in the
12 facility's care from exposure to disease, such as the use of
13 protective medical equipment, including gloves and masks, based on
14 the level of risk the employee presents to children by the
15 employee's routine and direct exposure to children;

16 (4) [(6)] prohibit discrimination or retaliatory
17 action against a facility employee who declines to receive [~~is~~
18 ~~exempt from]~~ the recommended [~~required~~] vaccines for the medical
19 conditions identified as contraindications or precautions by the
20 Centers for Disease Control and Prevention, except that required
21 use of protective medical equipment, including gloves and masks,
22 may not be considered retaliatory action for purposes of this
23 subdivision; and

24 (5) [(7)] require the child-care facility to maintain
25 a written or electronic record of each facility employee's
26 immunization record [~~compliance with or exemption from the policy,~~
27 ~~and~~

1 ~~[(8) state the disciplinary actions the child-care~~
2 ~~facility is authorized to take against a facility employee who~~
3 ~~fails to comply with the policy].~~

4 SECTION 20. The following provisions are repealed:

5 (1) Section 33.0832(m), Education Code;

6 (2) Sections 38.001(a), (c), (c-1), (d), (e), and
7 (f), Education Code;

8 (3) Section 38.001(b), Education Code, as amended by
9 Chapters 43 (H.B. 1098) and 94 (H.B. 1059), Acts of the 80th
10 Legislature, Regular Session, 2007;

11 (4) Section 38.019(a-1), Education Code;

12 (5) Section 51.9192, Education Code;

13 (6) Sections 51.933(b), (b-1), (d), (d-1), and (e),
14 Education Code;

15 (7) Section 526.0505(c), Government Code;

16 (8) Section 81.023, Health and Safety Code;

17 (9) Section 161.001, Health and Safety Code;

18 (10) Section 161.004, Health and Safety Code;

19 (11) Section 161.0041, Health and Safety Code;

20 (12) Section 161.005, Health and Safety Code;

21 (13) Section 161.007(h), Health and Safety Code;

22 (14) Section 224.002(c), Health and Safety Code;

23 (15) Section 224.003, Health and Safety Code;

24 (16) Sections 31.031(d) and (e), Human Resources Code;

25 (17) Sections 42.043(a), (c), (d-1), and (f), Human
26 Resources Code; and

27 (18) Section 42.04305(d), Human Resources Code.

1 SECTION 21. Each facility subject to Chapter 224, Health
2 and Safety Code, as amended by this Act, or Section 42.04305, Human
3 Resources Code, as amended by this Act, shall modify the facility's
4 vaccine-preventable disease policy to conform with the changes in
5 law made by this Act not later than January 1, 2026.

6 SECTION 22. (a) The changes in law made by this Act to Title
7 2, Education Code, apply starting with the 2025-2026 school year.

8 (b) The changes in law made by this Act to Title 3, Education
9 Code, apply starting with the 2025-2026 academic year.

10 SECTION 23. This Act takes effect immediately if it
11 receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.
13 If this Act does not receive the vote necessary for immediate
14 effect, this Act takes effect September 1, 2025.