

By: Hall

S.B. No. 94

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, if
6 the person is a minor, the person's parent or guardian provides to
7 the institution's admitting official documentation evidencing that
8 a request to obtain the affidavit has been submitted to the
9 Department of State Health Services under Section 161.0041, Health
10 and Safety Code.

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

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

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

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

27 (d-2) Notwithstanding this section, a facility regulated

1 under this chapter may not deny admission to a child who fails to
2 obtain the immunizations required under this section or to submit
3 the affidavit described by Subsection (d)(2) if the child's parent
4 or guardian provides to the facility documentation evidencing that
5 a request to obtain the affidavit has been submitted to the
6 Department of State Health Services under Section [161.0041](#), Health
7 and Safety Code.

8 SECTION 6. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section [39](#), Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2025.