By: Harrison H.B. No. 705

A BILL TO BE ENTITLED

AN ACT

relating to immunization requirements.

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

SECTION 1. Section 38.001(b), Education Code, as amended by Chapter 43 (H.B. 1098), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

(b) The [~~Subject to Subsections (b-1) and (c), the~~] executive commissioner of the Health and Human Services Commission may not modify or delete any of the immunizations in Subsection (a) or [~~may~~] require immunizations against additional diseases as a requirement for admission to any elementary or secondary school.

SECTION 2. Section 38.001(b-1), Education Code, is amended to read as follows:

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

SECTION 3. Section 38.019(a), Education Code, is amended to read as follows:

(a) A school district that maintains an Internet website

shall post prominently on the website:

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

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

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

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

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

SECTION 4. Section 81.023, Health and Safety Code, is amended to read as follows:

Sec. 81.023. IMMUNIZATION. (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 38.001(a), Education Code.

(b) The department shall cooperate with the Department of Family and Protective Services in [~~formulating and~~] implementing the immunization requirements for children admitted to child-care facilities.

(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 5. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0035 to read as follows:

Sec. 161.0035. PROHIBITED IMMUNIZATION REQUIREMENTS. (a) Except as provided by Subsection (b), a governmental entity may not compel or require an individual to receive an immunization, including an immunization listed on the immunization schedules developed by the federal Centers for Disease Control and Prevention.

(b) Subsection (a) does not apply to an immunization required by this subchapter or Section 38.001 or 51.933, Education Code.

SECTION 6. Section 161.004(a), Health and Safety Code, is amended to read as follows:

(a) Every child in the state shall be immunized against vaccine preventable diseases caused by infectious agents in accordance with Section 38.001, Education Code [~~the immunization schedule adopted in department rules~~].

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

(b) The department shall require that each child at an appropriate age be immunized against the diseases listed in Section 38.001, Education Code [~~diphtheria, tetanus, poliomyelitis, mumps, rubella, rubeola, invasive pneumococcal disease, and hepatitis A and against any other communicable disease as recommended by the~~

~~Department of State Health Services~~]. The immunization must be effective on the date of first entry into the facility. However, a child may be provisionally admitted if the required immunizations have begun and are completed as rapidly as medically feasible.

SECTION 8. The following provisions of the Education Code are repealed:

(1) Section 38.001(b), as amended by Chapter 94 (H.B. 1059), Acts of the 80th Legislature, Regular Session, 2007; and

(2) Section 38.001(f).

SECTION 9. This Act applies beginning with the 2027-2028 school year.

SECTION 10. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.