

SUBJECT: Authorizing campus-based reporting of student vaccination rates

COMMITTEE: Public Health — favorable, without amendment

VOTE: 7 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Cortez, Guerra

3 nays — Collier, Klick, Zedler

1 absent — Oliverson

WITNESSES: For — Jinny Suh, Immunize Texas; Shannon Lucas, March of Dimes; Lisa Pomeroy, Texas Pediatric Society, Texas Medical Association, Texas Public Health Coalition; Claire Bocchini, Texas Pediatrics Society; Lisa Holbrook, Texas PTA; Rekha Lakshmanan and Jane Siegel, the Immunization Partnership; Karen Schwind, and Chanthini Thomas, TSNO; Riki Graves; Lacy Waller; Allison Winnike; (*Registered, but did not testify*: Juliana Kerker, American Congress of Obstetricians and Gynecologists - Texas district; Laura Guerra-Cardus, Children's Defense Fund Texas; Paul Townsend, Children's Hospital Association of Texas; Mandi Kimball, Children At Risk; Albert Cheng, Harris County Public Health; Christine Yanas, Methodist Healthcare Ministries of South Texas; Will Francis, National Association of Social Workers - Texas Chapter; Georgia Armstrong, People's Community Clinic; Melody Chatelle, Pfizer; Adriana Kohler, Texans Care for Children; Marshall Kenderdine, Texas Academy of Family Physicians; Jaime Capelo, Texas Academy of Physician Assistants, Texas Chapter of American College of Cardiology; Dax Gonzalez, Texas Association of School Boards; Rosie Valadez McStay, Texas Children's Hospital; Paige Williams, Texas Classroom Teachers Association; Joel Ballew, Texas Health Resources; Thomas Kowalski, Texas Healthcare and Bioscience Institute; Carrie Kroll, Texas Hospital Association; Troy Alexander, Texas Medical Association; Andrew Cates, Texas Nurses Association; David Reynolds, Texas Osteopathic Medical Association; Donnis Baggett, Texas Press Association; Dwight Harris, Texas AFT; Jennifer Allmon, Texas Catholic Conference of Bishops; Andrew Smith, University Health System; La Vonja Cannon, Walgreens; and 36 individuals)

Against — Shawn Siegel, Grandparents for Vaccine Truth; Dawn Richardson, Parents Requesting Open Vaccine Education and National Vaccine Information Center; Jennifer Cheskiewicz, Carol Daley, Rachel Davis, Daphne Hager, Rebecca Hardy, Lacey Hull, Joyce Lail, Jennifer Lewis, Chelsea Neusse Barlow, Gracie Polvado, Noah Polvado, Jackie Schlegel, Stephanie Shahan, and Shelly Troberman Miller, Texans for Vaccine Choice; Amanda Surrells and Andrea Woodruff, Texas for Vaccine Choice; Stefani Caruso; Sheila Ealey; Steven Klayman; Dawn Tollefson; (*Registered, but did not testify*: Abram Amidon, Dayna Boor, Ashley Burke, Ashley Clark, Larock Flemings, Krystal Loyd, Cindy Neusse, and Richard Neusse, Texans for Vaccine Choice; and 23 individuals)

On — Janna Zumbrun, Texas Department of State Health Services

BACKGROUND: Health and Safety Code, sec. 161.004 addresses statewide immunization of children and requires every child in Texas to be immunized against vaccine preventable diseases caused by infectious agents in accordance with the Department of State Health Services' rules. An exception may be made from these requirements for reasons of conscience, including a religious belief, or if the immunization is medically contraindicated based on the opinion of a physician.

Education Code, ch. 38 requires immunizations for public school children and makes exceptions if the required immunization, in a physician's opinion, poses a significant risk to the health and well-being of the student or any member of the student's family or household; if the parent or guardian declines immunization for reasons of conscience, including a religious belief; or if the student is a member of the armed forces of the United States and is on active duty.

Education Code, sec. 51.933 allows a higher education institution to require applicants to be immunized and provides exceptions if the required immunization, in a physician's opinion, poses a significant risk to the health and well-being of the applicant or a member of the applicant's

family or household; if the student declines immunization for reasons of conscience, including a religious belief; or if the student is a member of the armed forces of the United States and is on active duty.

DIGEST:

HB 2249 would require each public school district to provide the Department of State Health Services (DSHS) with de-identified immunization exemption information for the students in a school district as a whole and for each school campus in the district. DSHS would post the reported information on its website, in a publicly available electronic format. A student's parent or legal guardian could request, and a school district or campus would be required to provide, a copy of the following information for the campus at which the student was enrolled:

- the immunization rate disaggregated by type of vaccine;
- the de-identified immunization exemption information for each school district as a whole and for each campus in the district;
- the number of students provisionally enrolled pending documentation of immunization;
- the number of students claiming an exemption for reasons of conscience, including a religious belief;
- the number of students claiming an exemption for a medical reason; and
- the number of students whose vaccinations were not current.

DSHS would be required to prepare and submit to the Legislature and governor a report by December 1 of each even-numbered year that contained:

- a report of outbreaks of vaccine-preventable diseases in Texas; and
- de-identified immunization exemption information, including the number of people claiming an exemption from immunization requirements under Texas law related to statewide immunization of children, public education immunization, higher education immunization, and child-care facility immunization.

The Texas Education Agency (TEA) and DSHS would be required to

develop the form for an annual report of the immunization status of students at a public school that included de-identified immunization exemption information. TEA would be required to update the form as soon as practicable after the bill's effective date.

HB 2249 would include epidemiological reports of disease outbreaks and individual cases of vaccine-preventable diseases among the reports to be required by DSHS. The department would evaluate the reports of vaccine-preventable diseases to determine the trends involved and the nature and magnitude of the hazards.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and apply beginning in the 2017-18 school year.

**SUPPORTERS
SAY:**

HB 2249 would increase parents' ability to know about the rate of vaccine exemptions in their children's schools and to make informed choices. School nurses have been required for years to keep immunization records for all students and to make this de-identified information on the school district level available to the Texas Education Agency, local health departments, and the Department of State Health Services (DSHS). HB 2249 would allow this data also to be reported at the campus level. Many school districts have multiple school campuses, and providing campus-based information would allow parents to make better decisions regarding the vaccination rate at the school in which their student was enrolled.

Reported data would be anonymous, including no names, no addresses, and no dates of birth. DSHS has policies to ensure student privacy when reporting immunization data that involves a small number of students, and those would continue to apply to reporting in HB 2249. The bill would not create extra work for school nurses or state agencies, which already do this reporting.

HB 2249 is important for parents of students who cannot be vaccinated for medical reasons, students who have a chronic disease, or students who are immunocompromised and at risk for contracting a potentially deadly

vaccine-preventable disease from unvaccinated peers. The bill also would help parents who might have a school-age child but also a baby too young to have been vaccinated.

Vaccines are proven to work in conferring immunity to contagious disease, but "herd immunity" is necessary for vaccination to protect a certain population. This occurs when a critical portion of a community is immunized against a contagious disease, which protects others because there is little opportunity for an outbreak. HB 2249 would give parents the information they need to make decisions about herd immunity at a particular school. It would be specific to vaccine-preventable diseases, not other types of diseases. It would require a specific report from information already required and could be made available to parents without an added cost to the state. The de-identified data in the required report would make it difficult for a child to be identified.

OPPONENTS
SAY:

HB 2249 could allow certain students with vaccine exemptions to be identified through deduction and shamed for their choice not to be vaccinated. Students who have been vaccinated still may spread disease to their peers, so increased reporting would not necessarily help parents make informed decisions.

Instead of reporting the number of unvaccinated children at a school, the bill should require schools to report the number of students diagnosed with certain diseases in order to help parents make more informed decisions about whether a school was safe for their child.

NOTES:

A companion bill, SB 1010 by Seliger, was referred to the Senate Committee on Health and Human Services on March 6.