

BILL ANALYSIS

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S.B. 1669
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised that significantly increased discrimination and mandates regarding immunizations will take place as a result of the COVID-19 pandemic. Various businesses and other entities around the world have already begun requiring proof of vaccination before allowing their facilities to be used, while employers have been incentivizing and considering mandating COVID-19 vaccines for their employees.

Legislation to prevent these practices has already been filed in other state legislatures.

S.B. 1669 aims to protect individual freedom and choice regarding vaccines in two ways. The first way is by prohibiting discrimination against individuals based on their immunity status. Secondly, it prohibits vaccine mandates of any kind—both governmental and private.

This bill protects employees, including medical professionals, by preventing employer discrimination or termination based on vaccination status. It also protects employers from being sued for not requiring employees to be vaccinated by prohibiting employer mandates in state law. The bill also prevents health and insurance providers from using vaccination or immunity status to deny service or coverage. In addition, it prevents long-term care facilities, assisted living facilities, and health care facilities and providers from withholding service to individuals based on vaccination status.

S.B. 1669 prevents forced vaccinations on children by the state, public and private schools, and child care facilities. It prohibits vaccine mandates for all individuals by emergency powers or agency rule, and prohibits connecting vaccination or immunity status to driver licenses or state IDs. Finally, it prohibits discrimination and right of access restrictions based on vaccination status or proof of immunity.

As proposed, S.B. 1669 amends current law relating to prohibited discrimination regarding vaccination status and mandates for receiving or participating in the administration of vaccines and authorizes administrative penalties.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission (HHSC) is modified in SECTION 2.08 (Section 531.0335, Government Code) and SECTION 2.09 (Section 12.033, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Department of State Health Services (DSHS) is rescinded in SECTION 2.20 (Section 38.001, Education Code) of this bill.

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board is rescinded in SECTION 2.20 (Section 51.9192, Education Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of HHSC is rescinded in SECTION 2.20 (Section 161.004, Health and Safety Code, and Section 42.043, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. VACCINATION STATUS DISCRIMINATION PROHIBITED

SECTION 1.01. Amends Subtitle C, Title 5, Business & Commerce Code, by adding Chapter 113, as follows:

CHAPTER 113. PROHIBITED DISCRIMINATION BASED ON VACCINATION STATUS

Sec. 113.001. DEFINITION. Defines "public accommodation."

Sec. 113.002. DISCRIMINATION PROHIBITED. Prohibits a person from discriminating against or refusing to provide a public accommodation to an individual based on the individual's vaccination history or immunity status for a communicable disease by:

- (1) providing to the individual a public accommodation that is different or provided in a different manner than the accommodation provided or manner of providing the accommodation to other members of the public;
- (2) subjecting the individual to segregation or separate treatment in any matter related to providing the public accommodation to the individual;
- (3) restricting in any way the individual's enjoyment of a public accommodation in a manner that distinguishes the individual's enjoyment from the enjoyment of other members of the public;
- (4) treating the individual differently from other members of the public in determining whether the individual satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that individuals are required to satisfy before a public accommodation is provided; or
- (5) denying the individual an opportunity to participate in a program in a manner that differs from the manner the opportunity is provided to other members of the public.

Sec. 113.003. COMPLAINT; EQUITABLE RELIEF. (a) Authorizes a person to file a complaint with the attorney general if the person asserts facts supporting an allegation that another person has violated Section 113.002. Requires the person filing the complaint to include a sworn affidavit stating that to the person's knowledge, all of the facts asserted in the complaint are true and correct.

- (b) Authorizes the attorney general, if the attorney general determines that a complaint filed under Subsection (a) is valid, to file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the person against whom relief is sought resides to compel the person to comply with Section 113.002.

Sec. 113.004. EFFECT ON OTHER LAW. Provides that this chapter prevails to the extent of a conflict between this chapter and any other law.

SECTION 1.02. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Sections 161.0057 and 161.0085, as follows:

Sec. 161.0057. LONG-TERM CARE FACILITY IMMUNIZATION DISCRIMINATION PROHIBITED. (a) Defines "long-term care facility."

- (b) Prohibits a long-term care facility from refusing to provide services to a resident based on the resident's immunization record or immunity status for a communicable disease.
- (c) Provides that a long-term care facility that violates Section 161.0057 is ineligible to receive state money for services provided to residents.

(d) Provides that a violation of this section is a violation of the long-term care facility's applicable licensing law and subjects the facility to disciplinary action and the imposition of administrative penalties under that law.

(e) Provides that this section prevails to the extent of a conflict between this section and any other law.

Sec. 161.0085. IMMUNIZATION RECORD DISCRIMINATION PROHIBITED. (a) Prohibits a health care provider or health care facility from refusing to provide a health care service to a patient because a patient is unvaccinated or not immune to a communicable disease.

(b) Prohibits a health care facility providing clinical experience to satisfy a student's degree requirements from discriminating against a student or prohibiting admission, enrollment, or employment as a student, intern, or resident because of the student's immunization record or immunity status for a communicable disease.

(c) Provides that a health care provider or health care facility that violates this section, notwithstanding any other law, is ineligible to receive state money for health care services provided to patients.

(d) Provides that a violation of this section is a violation of the health care provider's or health care facility's applicable licensing law and subjects the facility or provider to disciplinary action and the imposition of administrative penalties under that law.

(e) Provides that this section prevails to the extent of a conflict between this section and any other law.

SECTION 1.03. Amends Chapter 544, Insurance Code, by adding Subchapter M, as follows:

SUBCHAPTER M. VACCINATION STATUS

Sec. 544.601. DEFINITIONS. Defines "health benefit plan issuer" and "participating provider."

Sec. 544.602. APPLICABILITY OF SUBCHAPTER. (a) Provides that Subchapter M applies only to a health benefit plan (HBP) that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including a group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or a group evidence of coverage or similar coverage document that is offered by certain companies, corporations, and organizations.

(b) Provides that Subchapter M, notwithstanding any other law, applies to certain HBPs.

(c) Provides that Subchapter M applies to a life insurance company that issues or delivers a life insurance policy in this state or is organized under the laws of this state.

Sec. 544.603. PROHIBITED DISCRIMINATION AGAINST INDIVIDUAL. Prohibits a group HBP issuer or a life insurance company from using an individual's vaccination history or immunity status for a communicable disease to:

(1) reject, deny, limit, cancel, refuse to renew, or increase the premiums for coverage of the individual under a plan offered by the issuer or company;

(2) limit the amount, extent, or kind of coverage available to the individual; or

(3) otherwise adversely affect the individual's eligibility for coverage.

Sec. 544.604. PROHIBITED DISCRIMINATION IN GROUP PLAN RATING. Prohibits vaccination history or immunity status for a communicable disease of individuals covered under a group HBP that provides coverage in this state from being used as a factor in the rating of the plan.

Sec. 544.605. PROHIBITED DISCRIMINATION AGAINST PARTICIPATING PROVIDER. (a) Prohibits an HBP issuer from using the vaccination history of a health care provider's patients as a qualification or requirement for contracting with the provider or as a basis for terminating a contract with the provider.

(b) Prohibits an HBP issuer from using the vaccination history or immunity status for a communicable disease of enrollees as a factor in providing a financial incentive or assessing a financial or other penalty against a participating provider.

Sec. 544.606. EFFECT ON OTHER LAW. Provides that Subchapter M prevails to the extent of a conflict between this subchapter and any other law.

SECTION 1.04. Amends Chapter 21, Labor Code, by adding Subchapter H-1, as follows:

SUBCHAPTER H-1. DISCRIMINATION BASED ON VACCINATION STATUS

Sec. 21.421. PROHIBITED DISCRIMINATION BASED ON VACCINATION STATUS. (a) Provides that an employer commits an unlawful employment practice if the employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation or the terms, conditions, or privileges of employment because the individual is unvaccinated or not immune to a communicable disease.

(b) Provides that a labor organization commits an unlawful employment practice if the labor organization excludes or expels from membership or otherwise discriminates against an individual because the individual is unvaccinated or not immune to a communicable disease.

(c) Provides that an employment agency commits an unlawful employment practice if the employment agency classifies or refers for employment, fails or refuses to refer for employment, or otherwise discriminates against an individual because the individual is unvaccinated or not immune to a communicable disease.

(d) Provides that an employer, labor organization, or employment agency commits an unlawful employment practice if the employer, labor organization, or employment agency limits, segregates, or classifies an employee, member, or applicant for employment or membership in a way that would deprive or tend to deprive the employee, member, or applicant of employment opportunities or otherwise adversely affect the status of the employee, member, or applicant because the employee, member, or applicant is unvaccinated or not immune to a communicable disease.

Sec. 21.422. EFFECT ON OTHER LAW. Provides that Subchapter M prevails to the extent of a conflict between this subchapter and any other law.

SECTION 1.05. Amends Title 2, Occupations Code, by adding Chapter 60, as follows:

CHAPTER 60. IMMUNIZATION DISCRIMINATION

Sec. 60.001. PROHIBITED DISCRIMINATION BASED ON IMMUNIZATION. Prohibits a licensing authority from denying an application for an occupational license, suspending, revoking, or refusing to renew an occupational license, or taking any other disciplinary action against an individual based on:

(1) the individual's vaccination history or immunity status for a communicable disease; or

(2) the individual's refusal to be vaccinated or participate in administering a vaccine.

Sec. 60.002. EFFECT ON OTHER LAW. Provides that Chapter 60 prevails to the extent of a conflict between this chapter and any other law.

SECTION 1.06. Amends Subtitle A, Title 3, Occupations Code, by adding Chapter 103A, as follows:

CHAPTER 103A. RIGHT TO OBJECT TO VACCINATIONS

Sec. 103A.001. **RIGHT TO OBJECT.** Prohibits a hospital or other health care facility from requiring as a condition of employment that an employee, including a physician, nurse, or staff member, be vaccinated or participate in administering a vaccine.

Sec. 103A.002. **DISCRIMINATION PROHIBITED.** (a) Prohibits a hospital or other health care facility from discriminating against an employee, including a physician, nurse, or staff member, or an applicant who:

- (1) refuses to be vaccinated or to participate in administering a vaccine; or
- (2) is not immune to a communicable disease.

(b) Prohibits an educational institution from discriminating against an applicant for admission or employment as a student, intern, or resident based on:

- (1) the applicant's vaccination history or immunity status for a communicable disease; or
- (2) the applicant's refusal to be vaccinated or participate in administering a vaccine.

Sec. 103A.003. **REMEDIES.** Authorizes a person aggrieved by a violation of Chapter 103A to bring an action against a hospital, other health care facility, or educational institution that administers a hospital or other health care facility in a district court in the county where the hospital, facility, or institution is located for:

- (1) an injunction against any further violation;
- (2) appropriate equitable relief, including admission or reinstatement of employment and back pay and 10 percent interest on the back pay; and
- (3) any other relief necessary to ensure compliance with this chapter.

Sec. 103A.004. **EFFECT ON OTHER LAW.** Provides that Chapter 103A prevails to the extent of a conflict between this chapter and any other law.

SECTION 1.07. Amends Subchapter A, Chapter 521, Transportation Code, by adding Section 521.013, as follows:

Sec. 521.013. **PROHIBITED VACCINATION DISCRIMINATION.** (a) Prohibits the Department of Public Safety of the State of Texas (DPS) from using an individual's vaccination history or proof of immunity to a communicable disease as a requirement for the issuance or renewal of a driver's license, election identification certificate, or personal identification certificate.

- (b) Prohibits DPS from discriminating against, denying services or access to, or otherwise penalizing any individual for being unvaccinated or not providing proof of vaccination or immunity to a communicable disease.
- (c) Provides that Section 521.013 prevails to the extent of a conflict between this section and any other law.

ARTICLE 2. VACCINATION MANDATES PROHIBITED

SECTION 2.01. Amends Section 25.002(a), Education Code, as follows:

(a) Deletes existing text requiring the parent or other person with legal control of a child under a court order or the school district in which the child most recently attended school, if the parent or other person enrolls the child in a public school, to furnish to the school district 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.

SECTION 2.02. Amends the heading to Section 38.001, Education Code, to read as follows:

Sec. 38.001. RECOMMENDED IMMUNIZATIONS.

SECTION 2.03. Amends Section 38.001(b-1), Education Code, as follows:

(b-1) Requires the Department of State Health Services (DSHS) each year to prepare a list of the immunizations DSHS recommends for school-age children, rather than a list of immunizations required under this section for admission to public schools and of any additional immunizations DSHS recommends. Prohibits a school district or a school, including a private school, from requiring any immunizations as a condition of admission to or attendance at an elementary or secondary school.

SECTION 2.04. Amends Sections 38.019(a) and (b), Education Code, as follows:

(a) Requires a school district that maintains an Internet website to post prominently on the website a list, in English and Spanish, of:

- (1) any immunizations or vaccines recommended for public school students by the DSHS; and
- (2) health clinics in the district that offer the influenza vaccine, to the extent those clinics are known to the district.

Deletes text requiring a school district that maintains an Internet website to post prominently on the website a list of the immunizations required for admission to public school by rules of DSHS adopted under Section 38.001 and a link to the DSHS internet website where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements of Section 38.001.

(b) Requires that the list of recommended immunizations or vaccines under Subsection (a)(1) include the influenza vaccine. Deletes existing text requiring that the list of recommended immunizations or vaccines under Subsection (a)(2) include the influenza vaccine, unless DSHS requires the influenza vaccine for admission to public school.

SECTION 2.05. Amends the heading to Section 51.933, Education Code, to read as follows:

Sec. 51.933. IMMUNIZATION INFORMATION.

SECTION 2.06. Amends Section 51.933(a), Education Code, as follows:

(a) Prohibits an institution of higher education from requiring students or applicants for admission to be immunized against any communicable disease.

Deletes text authorizing an institution of higher education to require applicants for admission to be immunized against diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis, except as provided in Subsection (d) (relating to providing that no form of immunization is required for a person's admission to an institution of higher education under certain circumstances).

SECTION 2.07. Amends Section 264.1076(d), Family Code, as follows:

(d) Prohibits a physician or other health care provider conducting an examination under Subsection (b) from administering a vaccination as part of the examination without parental consent. Deletes existing text providing an exception that a physician or other health care provider is authorized to administer a tetanus vaccination to a child in a commercially available preparation if the physician or other health care provider determines that an emergency circumstance requires the administration of the vaccination.

SECTION 2.08. Amends Section 531.0335(b), Government Code, as follows:

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) by rule to prohibit a health and human services agency from taking a punitive action against a person responsible for a child's care, custody, or

welfare for declining to immunize the child against any communicable disease, rather than for failure of the person to ensure that the child receives the immunization series prescribed by Section 161.004 (Statewide Immunization of Children), Health and Safety Code.

SECTION 2.09. Amends Section 12.033(a), Health and Safety Code, as follows:

(a) Requires the executive commissioner by rule, except as otherwise provided by Section 12.033 (Distribution and Administration of Certain Vaccines and Sera), to adopt fees to be collected by DSHS for the distribution and administration of vaccines and sera provided under Chapter 826 (Rabies Control Act of 1981). Deletes text requiring the executive commissioner by rule to adopt fees to be collected by DSHS for the distribution and administration of vaccines and sera provided under Section 38.001, Education Code, Section 42.043 (Rules for Immunizations), Human Resources Code; Chapter 81 (Communicable Disease Prevention and Control Act); and Section 161.005 (Immunizations Required).

SECTION 2.10. Amends Section 81.082(f), Health and Safety Code, redefine "control measures" for purposes of Section 81.082 (Administration of Control Measures).

SECTION 2.11. Amends Section 81.085(i), Health and Safety Code, as follows:

(i) Requires an individual, on request of DSHS during a public health disaster, to disclose the individual's immunization information. Provides that, if the individual does not have updated or appropriate immunizations, DSHS is authorized to take appropriate action during a quarantine to protect that individual and the public from the communicable disease, but DSHS is prohibited from administering a vaccine to the individual without the individual's consent.

SECTION 2.12. Amends the heading to Section 161.0051, Health and Safety Code, to read as follows:

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

SECTION 2.13. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Section 161.0055, as follows:

Sec. 161.0055. VACCINATION MANDATES AND DISCRIMINATION PROHIBITED. (a) Prohibits a governmental entity or official, including the governor, a state agency, a political subdivision, or a political subdivision official, from:

- (1) requiring an individual to be vaccinated;
- (2) requiring an individual to participate in the administration of a vaccine; or
- (3) discriminating or imposing a civil or criminal penalty against an individual who refuses vaccination or participation in the administration of a vaccine.

(b) Provides that this section applies to all other law, including an agency rule, executive order, or emergency order.

(c) Provides that this section prevails to the extent of a conflict between this section and any other law.

SECTION 2.14. Amends Section 161.0074(c), Health and Safety Code, to delete from the information required to be in the report DSHS must submit to the legislature regarding immunizations the identification of all reported incidents of discrimination for using an exemption for a required immunization.

SECTION 2.15. Amends Section 161.0105(c), Health and Safety Code, to delete existing text providing that the immunity created by Section 161.0105 (Limitation on Liability) is in addition to any immunity created by Section 161.001.

SECTION 2.16. Amends Section 224.002, Health and Safety Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Requires that the vaccine preventable diseases policy required to be adopted by each health care facility:

(1) encourage, rather than require, covered individuals to receive vaccines for the vaccine preventable diseases specified by the facility based on the level of risk the individual presents to patients by the individual's routine and direct exposure to patients;

(2) specify the recommended vaccines a covered individual is encouraged to receive, rather than the vaccines a covered individuals required, to receive, based on the level of risk the individual presents to patients by the individual's routine and direct exposure to patients;

(3) for a covered individual who declines to receive the recommended vaccines, rather than a covered individual who is exempt from the required vaccines, include procedures the individual is required to follow to protect facility patients from exposure to disease, such as the use of protective medical equipment, such as gloves and masks, based on the level of risk the individual presents to patients by the individual's routine and direct exposure to patients;

(4) prohibit discrimination or retaliatory action against a covered individual who declines to receive the recommended vaccines, except that required use of protective medical equipment, such as gloves and masks, is prohibited from being considered retaliatory action for purposes of this subdivision; and

(5) require the health care facility to maintain a written or electronic record of each covered individual's immunization record, rather than of each covered individual's compliance with or exemption from the policy.

(b-1) Provides that a health care facility is required to maintain as confidential an immunization record described by Subsection (b)(5) and is prohibited from disclosing the record to any other person unless the disclosure is otherwise required by law.

Deletes existing text requiring the report to include disciplinary actions the health care facility is authorized to take against a covered individual who fails to comply with the policy, procedures for verifying whether a covered individual has complied with the policy, and procedures for a covered individual to be exempt from the required vaccines for the medical conditions identified as contraindications or precautions by the Centers for Disease Control and Prevention. Makes conforming and nonsubstantive changes.

SECTION 2.17. Amends Section 31.0031(d), Human Resources Code, to delete existing text requiring that the responsibility agreement signed by each adult recipient of financial assistance require that, if adequate and accessible providers of the services are available in the geographic area and subject to the availability of funds, each dependent child as appropriate, receive the immunization series prescribed by Section 161.004, Health and Safety Code, unless the child is exempt under that section.

SECTION 2.18. Amends Sections 42.043(b) and (d), Human Resources Code, as follows:

(b) Requires the Department of Family and Protective Services (DFPS) to require that each child at an appropriate age have a test for tuberculosis. Deletes existing text requiring DFPS to require each child at an appropriate age to be immunized against diphtheria, tetanus, poliomyelitis, mumps, rubella, rubeola, invasive pneumococcal disease, and hepatitis A and against any other communicable disease as recommended by DSHS. Deletes existing text requiring that the immunization to be effective on the date of first entry into the certain child-care facility. Deletes existing text authorizing a child to be provisionally admitted if the required immunizations have begun and are completed as rapidly as medically feasible.

(d) Provides that no immunization is authorized to be required for admission to a facility regulated under Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies that

Provide Child-Care Services). Deletes existing text providing that no immunization may be required for admission to a facility regulated under this chapter if a person applying for a child's admission submits certain affidavits concerning exemption from immunization.

SECTION 2.19. Amends Section 42.04305, Human Resources Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Requires that the vaccine-preventable disease policy required to be developed and implemented by each child-care facility:

(1) encourage, rather than require, each facility employee to receive vaccines for the vaccine-preventable diseases specified by the child-care facility based on the level of risk the employee presents to children by the employee's routine and direct exposure to children;

(2) specify the recommended vaccines a facility employee is encouraged to receive, rather than the vaccines a facility employee is required to receive based on the level of risk the employee presents to children by the employee's routine and direct exposure to children;

(3) for a facility employee who declines to receive the recommended vaccines, rather than a facility employee who is exempt from the required vaccines, include procedures the employee is required to follow to protect children in the facility's care from exposure to disease, such as the use of protective medical equipment, including gloves and masks, based on the level of risk the employee presents to children by the employee's routine and direct exposure to children;

(4) prohibit discrimination or retaliatory action against a facility employee who declines to receive the recommended vaccines, except that required use of protective medical equipment, including gloves and masks, is prohibited from being considered retaliatory action for purposes of this subdivision; and

(5) require the child-care facility to maintain a written or electronic record of each facility employee's immunization record, rather than each facility employee's compliance with or exemption from the policy.

(c-1) Requires a facility maintain as confidential an immunization record described by Subsection (c)(5) and may not disclose the record to any other person unless the disclosure is otherwise required by law.

Deletes existing text requiring that the policy include procedures for verifying whether a facility employee has complied with the policy; procedures for a facility employee to be exempt from the required vaccines for the medical conditions identified as contraindications or precautions by the Centers for Disease Control and Prevention; and state the disciplinary actions the child-care facility is authorized to take against a facility employee who fails to comply with the policy. Makes conforming and nonsubstantive changes.

SECTION 2.20. Repealer: Section 38.001(a) (relating to immunizations required for students), Education Code.

Repealer: Section 38.001(c) (relating to immunizations not required for certain students), Education Code.

Repealer: Section 38.001(c-1) (relating to the requirements of a certain affidavit submission), Education Code.

Repealer: Section 38.001(d) (relating to DSHS providing required immunizations), Education Code.

Repealer: Section 38.001(e) (relating to the provisional admission of a person with required immunizations), Education Code.

Repealer: Section 38.001(f) (relating to the exclusion of a person who has not received immunizations during a time of emergency or epidemic), Education Code.

Repealer: Section 38.001(b) (relating to the executive commissioner modifying or deleting immunization requirements), Education Code, as amended by Chapters 43 (H.B. 1098) and 94 (H.B. 1059), Acts of the 80th Legislature, Regular Session, 2007.

Repealer: Section 38.019(a-1) (relating to requiring school districts to provide certain information in a specified format), Education Code.

Repealer: Section 51.9192 (Bacterial Meningitis Vaccination Required for Certain Students; Exception), Education Code;

Repealer: Section 51.933(b) (relating to the executive commissioner requiring immunizations for students at institutions of higher education), Education Code.

Repealer: Section 51.933(b-1) (relating to a hepatitis B vaccination requirement for students), Education Code.

Repealer: Section 51.933(d) (relating to no form of immunization being required for a person's admission to an institution of higher education in certain instances), Education Code.

Repealer: Section 51.933(d-1) (relating to the submission of an affidavit or certificate to the admitting official of an institution of higher education), Education Code.

Repealer: Section 51.933(e) (relating an exception in a time of emergency or epidemic), Education Code.

Repealer: Section 531.0335(c) (relating to punitive action for failure to ensure a child receives the immunization series), Government Code;.

Repealer: Section 81.023 (Immunization), Health and Safety Code.

Repealer: Section 161.001 (Liability of Person Who Orders or Administers Immunization), Health and Safety Code.

Repealer: Section 161.004 (Statewide Immunization of Children), Health and Safety Code.

Repealer: Section 161.0041 (Immunization Exemption Affidavit Form), Health and Safety Code.

Repealer: Section 161.005 (Immunizations Required), Health and Safety Code.

Repealer: Section 161.007(h) (relating to the responsibility of a parent, managing conservator, or guardian to have a child immunized properly), Health and Safety Code.

Repealer: Section 224.002(c) (relating to procedures for a covered individual to be exempt from the required vaccines), Health and Safety Code.

Repealer: Section 224.003 (Disaster Exemption), Health and Safety Code.

Repealer: Sections 31.031(d) (relating to requiring the applicant to provide proof of immunization) and (e) (relating to an application for financial assistance who cannot provide proof of immunization for children), Human Resources Code.

Repealer: Section 42.043(c) (relating to the adoption of rules by the executive commissioner regarding provisional admission of children to facilities), Human Resources Code.

Repealer: Section 42.043(d-1) (relating to no immunization requirements for admission to a facility if an affidavit is submitted), Human Resources Code.

Repealer: Section 42.043(f) (relating to DSHS providing required immunizations), Human Resources Code; and

Repealer: Section 42.04305(d) (relating to procedures for a child-care facility employee to be exempt from required vaccines), Human Resources Code.

ARTICLE 3. TRANSITION AND EFFECTIVE DATE

SECTION 3.01. Requires each facility subject to Chapter 224, Health and Safety Code, as amended by this Act, or Section 42.04305, Human Resources Code, as amended by this Act, to modify the facility's vaccine-preventable disease policy to conform with the changes in law made by this Act not later than January 1, 2022.

SECTION 3.02. (a) Provides that Subchapter M, Chapter 544, Insurance Code, as added by this Act, applies only to an HBP or insurance policy delivered, issued for delivery, or renewed on or after January 1, 2022.

(b) Makes application of Section 544.605, Insurance Code, as added by this Act, prospective.

SECTION 3.03. (a) Provides that the changes in law made by this Act to Title 2, Education Code, apply starting with the 2021-2022 school year.

(b) Provides that the changes in law made by this Act to Title 3, Education Code, apply starting with the 2021-2022 academic year.

SECTION 3.04. Effective date: upon passage or September 1, 2021.