

BILL ANALYSIS

Senate Research Center
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S.B. 636
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Department of State Health Services (DSHS) annually surveys independent school districts and accredited private schools across the state to collect the immunization status of certain school children, including the number of conscientious exemption affidavit forms that were filed. This information is collected at a district level, rather than campus level.

S.B. 636 provides for greater transparency regarding the number of immunization exemptions in order for parents to make a better informed decision for their children and families by providing the same information already collected by DSHS at a campus level, rather than only at the district level. If a campus student population is very small, this data, even though de-identified, would be masked and not reported.

As proposed, S.B. 636 amends current law relating to requirements for and the transparency of epidemiological reports and certain immunization exemption information and reports.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education and the executive commissioner of Health and Human Services Commission in SECTION 2 (Section 38.002, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 81.047, Health and Safety Code, as follows:

Sec. 81.047. EPIDEMIOLOGICAL REPORTS. (a) Creates this subsection from existing text. Requires the Department of State Health Services (DSHS), subject to the confidentiality requirements of Chapter 81 (Communicable Diseases), to require epidemiological reports of disease outbreaks and of individual cases of certain diseases, including vaccine preventable diseases.

(b) Requires DSHS to prepare and submit to the legislature and the governor not later than December 1 of each even-numbered year a biennial report containing:

- (1) a report of outbreaks of vaccine preventable diseases in Texas; and
- (2) de-identified immunization exemption information, including the number of persons claiming an exemption from the immunization requirements of Section 161.004 (Statewide Immunization of Children), Sections 38.001 (Immunization; Requirements; Exceptions), 51.9192 (Bacterial Meningitis Vaccination Required for Certain Students; Exceptions), and 51.933 (Immunization Requirements; Exception), Education Code, and Section 42.043 (Rules for Immunizations), Human Resources Code.

SECTION 2. Amends Section 38.002, Education Code, by amending Subsections (a) and (c) and adding Subsections (d), (e), (f), and (g), as follows:

Sec. 38.002. (a) Makes nonsubstantive changes.

(c) Requires the Texas Education Agency (TEA) and DSHS in developing the form for the annual reporting of immunization status of students to include de-identified immunization exemption information. Makes nonsubstantive changes.

(d) Requires each school district to provide to DSHS the information required by Subsection (c) for the district and for each school campus in the district.

(e) Requires DSHS to make the required annual report submitted under Subsection (c) on the immunization status of students for each school district and each school campus available to the public in electronic form on DSHS's Internet website.

(f) Requires a school district or school campus, on request of a student's parent or legal guardian, to provide the parent or guardian a copy of the following information for the campus at which the student is enrolled:

(1) the immunization rate disaggregated by type of vaccine; and

(2) the information submitted under Subsection (c), including de-identified immunization exemption information, 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 are not current.

(g) Requires the commissioner of education and the executive commissioner of the Health and Human Services Commission to adopt rules necessary to ensure that a report of the immunization status of students made available under Subsections (e) and (f) complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

SECTION 3. Requires TEA, as soon as practicable after passage of this Act, to update the form required by Section 38.002(c), Education Code, as amended by this Act, to comply with that subsection.

SECTION 4. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 5. Effective date: upon passage or September 1, 2021.