

By: Coleman

H.B. No. 3875

A BILL TO BE ENTITLED

AN ACT

relating to a policy on vaccine-preventable diseases for public schools.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0022 to read as follows:

Sec. 38.0022. VACCINE-PREVENTABLE DISEASE POLICY REQUIRED.

(a) In this section:

(1) "School employee" means an employee of a public school.

(2) "Vaccine-preventable diseases" means the diseases included in the most current recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(b) Each public school shall develop and implement a policy to protect the students attending the public school from vaccine-preventable diseases.

(c) The policy must:

(1) require each school employee to receive vaccines for the vaccine-preventable diseases specified by the school based on the level of risk the employee presents to students by the employee's routine and direct exposure to students;

(2) specify the vaccines a school employee is required to receive based on the level of risk the employee presents to

1 students by the employee's routine and direct exposure to students;

2 (3) include procedures for verifying whether a school
3 employee has complied with the policy;

4 (4) include procedures for a school employee to be
5 exempt from the required vaccines for the medical conditions
6 identified as contraindications or precautions by the Centers for
7 Disease Control and Prevention;

8 (5) for a school employee who is exempt from the
9 required vaccines, include procedures the employee must follow to
10 protect students attending the school from exposure to disease,
11 such as the use of protective medical equipment, including gloves
12 and masks, based on the level of risk the employee presents to
13 students by the employee's routine and direct exposure to students;

14 (6) prohibit discrimination or retaliatory action
15 against a school employee who is exempt from the required vaccines
16 for the medical conditions identified as contraindications or
17 precautions by the Centers for Disease Control and Prevention,
18 except that required use of protective medical equipment, including
19 gloves and masks, may not be considered retaliatory action for
20 purposes of this subdivision;

21 (7) require the public school to maintain a written or
22 electronic record of each school employee's compliance with or
23 exemption from the policy; and

24 (8) state the disciplinary actions the public school
25 is authorized to take against a school employee who fails to comply
26 with the policy.

27 (d) The commissioner shall adopt rules as necessary to

1 implement this section.

2 SECTION 2. Not later than June 1, 2016, the commissioner of
3 education shall adopt the rules necessary to implement Section
4 38.0022, Education Code, as added by this Act.

5 SECTION 3. Notwithstanding Section 38.0022, Education
6 Code, as added by this Act, a school district or open-enrollment
7 charter school subject to that section is not required to have a
8 policy on vaccine-preventable diseases in effect until September 1,
9 2016.

10 SECTION 4. This Act takes effect September 1, 2015.