

## **BILL ANALYSIS**

H.B. 2474  
By: Sheffield  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recent data indicates that the number of immunization exemptions based on conscience has drastically increased in Texas over the past decade. Studies have shown that such vaccination exemptions tend to cluster geographically and within schools, which can create pockets of under-vaccinated and vulnerable children and pose a risk for the community at large. Concerned parties note that 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. The parties contend that information collected regarding exemptions is reported at a high level, which can lead to a lack of awareness about the public health impact of exemptions. The parties assert that compiling de-identified immunization exemption information on a local level would improve community awareness, help parents, especially parents of children with compromised immune systems, make informed choices, and help public health officials better understand the areas of need to develop immunization policies and interventions. H.B. 2474 seeks to provide for greater transparency regarding the number of immunization exemptions that are claimed in Texas.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 2474 amends the Health and Safety Code to include reports of outbreaks and individual cases of vaccine preventable diseases among the information to be included in epidemiological reports required by the Department of State Health Services (DSHS). The bill requires DSHS, not later than December 1 of each even-numbered year, to prepare and submit to the legislature

and the governor a biennial report that contains a report of outbreaks of vaccine preventable diseases in Texas and de-identified immunization exemption information, including the number of persons claiming an exemption under statutory provisions governing statewide immunization requirements for children, immunization requirements for admission to a public elementary or secondary school or to an institution of higher education, bacterial meningitis vaccination requirements, and immunization requirements for children in certain child-care facilities.

H.B. 2474 amends the Education Code to require the form developed by the Texas Education Agency (TEA) and DSHS for the annual report of the immunization status of students to include de-identified immunization exemption information and requires TEA to update the form as soon as practicable after the bill's effective date. The bill requires each school district to provide to DSHS the annual report of the immunization status of students for the district as a whole and for each school campus in the district. The bill requires DSHS to make the required reports for each district and school campus available to the public in electronic form on the DSHS website. The bill requires a school district or school campus, on request of a student's parent or legal guardian, to provide to the parent or legal guardian a copy of the reports, including de-identified immunization exemption information. The bill applies beginning with the 2015–2016 school year.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.