CHAPTER 728

S.B. No. 49

AN ACT

relating to transitional living assistance and appropriate care settings for children with disabilities who reside in general residential operations.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 531.0244, Government Code, is amended by adding Subsection (c-i) to read as follows:

(c-i) For purposes of determining the appropriateness of transfers under Subsection (b)(3) and developing the strategies required by Subsection (b)(4), a health and human services agency shall presume the eligibility of a child residing in a general residential operation, as defined by Section 42.002, Human Resources Code, for transfer to an appropriate community-based setting.

SECTION 2. Subdivision (1), Subsection (a), Section 531.059, Government Code, is amended to read as follows:

(1) "Institutional housing" means:

(A) an ICF-MR, as defined by Section 531.002, Health and Safety Code;
(B) a nursing facility;
(C) a state hospital, state school, or state center maintained and managed by the Texas Department of Mental Health and Mental Retardation; or
(D) an institution for the mentally retarded licensed or operated by the Department of Family and Protective Services; or
(E) a general residential operation, as defined by Section 42.002, Human Resources Code.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on March 21, 2013: Yeas 31, Nays 0; passed the House on May 17, 2013: Yeas 132, Nays 2, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 729

S.B. No. 62

AN ACT

relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 51.9192, Education Code, is amended by amending Subsections (b), (d), and (d-1) and adding Subsections (d-2), (d-3), (d-4), (d-5), (d-6), and (f) to read as follows:

(b) This section applies only to an entering student at an institution of higher education or private or independent institution of higher education. This section does not apply to a
student of an institution who is enrolled only in online or other distance education courses or who is 22 [30] years of age or older. For purposes of this subsection, “entering student” includes:

(1) a new student, as defined by Section 51.9191; and
(2) a student who previously attended an institution of higher education or private or independent institution of higher education before January 1, 2012, and who is enrolling in the same or another institution of higher education or private or independent institution of higher education following a break in enrollment of at least one fall or spring semester.

(d) A student to whom this section applies or a parent or guardian of the student is not required to comply with Subsection (c) if the student or a parent or guardian of the student submits to the institution:

(1) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States in which it is stated that, in the physician’s opinion, the vaccination required would be injurious to the health and well-being of the student; or
(2) an affidavit signed by the student stating that the student declines the vaccination for bacterial meningitis for reasons of conscience, including a religious belief, or confirmation that the student has completed the Internet-based process described by Subsection (d-3) for declining the vaccination on that basis, if applicable to the student.

(d-1) The exemption provided by Subsection (d)(2) [this subdivision] does not apply during a disaster or public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency declared by an appropriate official or other authority and in effect for the location of the institution the student attends.

(d-2) An affidavit submitted under Subsection (d)(2) must be:

(1) on a form described by Section 161.0041, Health and Safety Code; and
(2) submitted to the appropriate admitting official not later than the 90th day after the date the affidavit is notarized.

(d-3) The Department of State Health Services shall develop and implement a secure, Internet-based process to be used exclusively at those public junior colleges that elect to use the process to allow an entering student to apply online for an exemption from the vaccination requirement under this section for reasons of conscience. The online process portal must be designed to ensure that duplicate exemption requests are avoided to the greatest extent possible. The exemption form used by a student to claim an exemption under the process must contain a statement indicating that the student understands the benefits and risks of the immunization and the benefits and risks of not receiving the immunization.

(d-4) A public junior college may require an entering student to use the Internet-based process under Subsection (d-3) as the exclusive method to apply for an exemption from the vaccination required under this section for reasons of conscience.

(d-5) The Department of State Health Services shall report to the legislature annually the number of exemptions applied for in the preceding academic year using the Internet-based process under Subsection (d-3).

(d-6) [d-4] An institution of higher education or private or independent institution of higher education shall provide, with the registration materials that the institution provides to a student to whom this section applies before the student’s initial enrollment in the institution, written notice of the right of the student or of a parent or guardian of the student to claim an exemption from the vaccination requirement in the manner prescribed by Subsection (d) and of the importance of consulting a physician about the need for immunization to prevent the disease.

(f) In this section, “public junior college” has the meaning assigned by Section 61.003.

SECTION 2. Subsection (a), Section 161.0041, Health and Safety Code, is amended to read as follows:

(a) A person claiming an exemption from a required immunization based on reasons of conscience, including a religious belief, under Section 161.004 of this code, Section 38.001, 1853
51.9192, or 51.933, Education Code, or Section 42.043, Human Resources Code, must complete an affidavit on a form provided by the department stating the reason for the exemption. This subsection does not apply to a person claiming the exemption using the Internet-based process under Section 51.9192(d-3), Education Code.

SECTION 3. The changes in law made by this Act apply beginning with entering students enrolling in public or private or independent institutions of higher education in this state on or after January 1, 2014.

SECTION 4. This Act takes effect October 1, 2013.

Passed the Senate on April 11, 2013: Yeas 31, Nays 0; passed the House on May 20, 2013: Yeas 146, Nays 1, two present not voting.
Approved June 14, 2013.
Effective October 1, 2013.

CHAPTER 730
S.B. No. 112

AN ACT
relating to a requirement for and the contents of a declarations page required for certain standard insurance policy forms for residential property insurance.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 2301, Insurance Code, is amended by adding Section 2301.056 to read as follows:

Sec. 2301.056. REQUIREMENT FOR FORMS; DECLARATIONS PAGE REQUIREMENT. (a) A residential property insurance policy form must include a declarations page that:

(1) lists and identifies each type of deductible under the residential property insurance policy; and

(2) states the exact dollar amount of each deductible under the residential property insurance policy.

(b) If a residential property insurance policy or an endorsement attached to the policy contains a provision that may cause the exact dollar amount of a deductible under the policy to change, the declarations page must identify or include a written disclosure that clearly identifies the applicable policy provision or endorsement. The policy provision or endorsement must explain how any change in the applicable deductible amount is determined.

(c) A disclosure containing a list required by Subsection (a)(1), or a disclosure containing an identification of each applicable policy provision or endorsement, may be provided on a page separate from the declarations page.

SECTION 2. This Act applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2014. A policy delivered, issued for delivery, or renewed before January 1, 2014, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 20, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 16, 2013: Yeas 97, Nays 44, four present not voting.
Approved June 14, 2013.
Effective September 1, 2013.

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