

BILL ANALYSIS

Senate Research Center
80R2039 ABC-D

S.B. 110
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The human papillomavirus (HPV) is a group of viruses consisting of over 100 related viruses, some of which lead to cancer. According to the Centers for Disease Control and Prevention (CDC), at least 80 percent of women will have acquired a genital HPV infection by the age of 50. If treated in time, these precancerous cells can be treated by one of several invasive procedures that remove the precancerous cells from the cervix. If undetected, resistant to treatment, or left untreated, these precancerous cells may develop into cervical cancer. The American Cancer Society predicts there will be over 44,000 cases of noninvasive cervical cancer in the United States in 2007, as well as 11,150 cases of invasive cervical cancer, wherein cancer may spread from the cervix to other parts of the body. In 2006, 1,169 new cases of cervical cancer were diagnosed in Texas and nearly 400 of these women died. Texas has the second highest state rate of cervical cancer in the United States.

In June 2006, the Food and Drug Administration (FDA) approved a vaccine to guard against two strains of HPV that are responsible for 70 percent of cervical cancer cases. The vaccine is used for girls and women ages nine to 26 years. In order for the vaccine to be effective, it requires administration prior to exposure to the virus.

As proposed, S.B. 110 requires all girls enrolling in the sixth grade be vaccinated against HPV. This bill also requires each school district to distribute educational information on the virus and its effects to the parents and guardians of female students. This bill provides that the opt out provisions that apply to all other required vaccines apply to the HPV vaccine, as well.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 38.001(a), Education Code, to require each female student enrolling in sixth grade to be fully immunized against the human papilloma virus [sic], except as provided by Subsection (c).

SECTION 2. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.0026, as follows:

Sec. 38.0026. DISSEMINATION OF HUMAN PAPILOMA VIRUS [sic] INFORMATION. (a) Requires the Texas Education Agency (TEA) to prescribe procedures to inform parents or guardians of female students of the connection between human papilloma virus [sic] (HPV) and cervical cancer. Requires that the procedures ensure that the information is reasonably likely to come to the attention of the parents or guardians of each female student.

(b) Requires that the information provided be similar in form and content to the information required under Section 161.0102, Health and Safety Code.

(c) Authorizes a school district with written permission of TEA to provide the information in Subsection (a) in a different method if TEA deems the method effective in bringing the information to the parents and guardians.

SECTION 3. Amends Section 161.0041, Health and Safety Code, by adding Subsection (d-1), to require with respect to immunization against HPV, an affidavit form to meet the requirements of Subsection (d) and to contain a statement indicating that the parent, guardian, or managing conservator received information on the connection between HPV and cervical cancer.

SECTION 4. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Section 161.0102, as follows:

Sec. 161.0102. INCREASE AWARENESS OF IMMUNIZATION AGAINST HUMAN PAPILLOMA VIRUS [sic]. (a) Requires the Department of State Health Services (DSHS) to collect and distribute information to parents, managing conservators, and guardians relating to the connection between HPV and cervical cancer. Requires DSHS to prescribe the form and content of the information.

(b) Requires the information to cover the risk factors for developing cervical cancer, the symptoms of the disease, how it may be diagnosed, and the possible consequences if untreated; the connection between HPV and cervical cancer, how HPV is transmitted, how transmission is prevented, and the risks of contracting HPV for primary and secondary school students; the availability and effectiveness of vaccination against HPV and side effects of such vaccinations; and the sources of additional information on HPV, including the school district and the DSHS.

(c) Requires DSHS to increase coordination among certain entities that have an interest in providing information on the HPV vaccine.

SECTION 5. Amends Section 42.043(b), Human Resources Code, to require the Department of Family and Protective Services to also require that each female child at an appropriate age be immunized against HPV.

SECTION 6. Provides that Section 38.001, Education Code, as amended by this Act and Section 38.0026, as added by this Act, apply beginning with the 2007-2008 school year.

SECTION 7. Provides that change in law made by this Act to Section 42.043, Human Resources Code, applies beginning on to September 1, 2007.

SECTION 8. Effective date: upon passage or September 1, 2007.