

BILL ANALYSIS

C.S.H.B. 1098
By: Bonnen
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under Executive Order RP65 (February 2, 2007), the Governor of the State of Texas mandated that all female children be vaccinated for the Human Papilloma Virus (HPV) prior to admission to the sixth grade with provisions for a parent to opt out. There is only one vaccine currently available on the market to meet this mandate and its effectiveness and long term effects remain unclear. While this order brings much-needed focus to a serious infection, some believe such a vaccine requirement is premature and potentially puts at risk the health and safety of young girls.

C.S.H.B. 1098 specifies that HPV immunization is not required for admission to any elementary or secondary school and preempts any contrary executive orders of the governor.

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

C.S.H.B. 1098 amends Section 38.001 of the Education Code to specify that immunization against human papilloma virus is not required for a person's admission to any elementary or secondary school. This subsection preempts any contrary executive orders of the governor. The bill authorizes the executive commissioner of the Health and Human Services Commission, rather than the Texas Board of Health, to modify or delete certain immunizations or to require immunizations against additional diseases as a requirement for admission to any elementary or secondary school.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1098 modifies the original by authorizing the executive commissioner of the Health and Human Services Commission, rather than the Texas Board of Health, to modify or delete certain immunizations or to require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. The substitute specifies that an immunization against HPV "is not required" for a person's admission to any elementary or secondary school, whereas, the original bill specified that an immunization "may not be required." The substitute changes the effective date from immediate effect, or, the 91st day after the last day of the legislative session, to immediate effect, or, September 1, 2007. The substitute also modifies the original to conform to Texas Legislative Council style and format.