

Liability: Ordering or Administering Required Immunization

Tex. Health & Safety Code 161.001

An individual who administers or authorizes the administration of a vaccine that is required either by law or mandated by the Department of State Health Services will not be held legally responsible for any injury caused by giving the vaccine. The individual also will not be held legally responsible for failure to give a vaccine to a child when the parent or guardian does not consent. They can be held legally responsible if acting with carelessness while administering the vaccine.

Liability of Person Who Orders or Administers Immunization

(a) A person who administers or authorizes the administration of a vaccine or immunizing agent is not liable for an injury caused by the vaccine or immunizing agent if the immunization is required by department rule or is otherwise required by law or other rules.

(b) A person who administers or authorizes the administration of a vaccine or immunizing agent is not liable or responsible for the failure to immunize a child because of the failure or refusal of a parent, managing conservator, or guardian to consent to the vaccination or immunization required under this chapter. Consent to the vaccination or immunization must be given in the manner authorized by Chapter 32, Family Code.

(c) A person who fails to comply with Section 161.004 is not liable or responsible for that failure, and that failure does not create a cause of action.

(d) This section does not apply to a negligent act in administering the vaccine or immunizing agent.