

## **BILL ANALYSIS**

S.B. 819  
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Higher Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Meningococcal meningitis is a disease caused by bacteria that infects the fluid of the spinal cord and the fluid surrounding the brain and can result in brain damage, hearing loss, learning disability, and even death. This form of meningitis can be treated with antibiotics, but given the disease's rapid progression, early treatment is imperative. Since the bacteria causing meningococcal meningitis is more easily spread to those in close proximity to or with prolonged contact with an infected person, the Centers for Disease Control and Prevention recommends routine vaccination of groups at increased risk for contracting the disease, including college freshmen living in dormitories.

S.B. 819 requires certain first-time students at public, private, or independent institutions of higher education to produce a health practitioner-signed certificate indicating the student's vaccination against bacterial meningitis.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 2 of this bill.

### **ANALYSIS**

S.B. 819 amends the Education Code to require a first-time student of a public, private, or independent institution of higher education, including a transfer student, who resides in, or has applied for on-campus housing and been approved to reside in, an on-campus dormitory or other on-campus student housing facility at the institution, or the parent or guardian of such a student, to provide to the institution, at the time and in the manner prescribed by rules adopted by the Texas Higher Education Coordinating Board, a certificate signed by a health practitioner evidencing that the student has been vaccinated against bacterial meningitis. The bill defines "health practitioner" for the purposes of these provisions to mean any person authorized by law to administer an immunization.

S.B. 819 exempts a student or student's parent or guardian from the above requirements if the student, parent, or guardian submits to the institution an affidavit or a certificate signed by a physician registered and licensed 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 an affidavit signed by the student stating that the student declines the vaccination for reasons of conscience, including a religious belief. The bill establishes that the above exemption 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.

S.B. 819 requires the coordinating board, in consultation with public and private or independent institutions of higher education, to adopt rules for the administration of these provisions, including rules establishing the date by which a student who is required to provide the certificate

of vaccination against bacterial meningitis must have received the vaccination, which may not be later than the date the student initially moves into an on-campus dormitory or other on-campus student housing facility at an institution. The bill defines "institution of higher education" and "private or independent institution of higher education" by reference.

S.B. 819 requires these provisions, on passage, to be known as the Jamie Schanbaum Act and makes its provisions applicable only to first-time students enrolling in public or private or independent institutions of higher education in Texas on or after January 1, 2010.

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.