

## **BILL ANALYSIS**

Senate Research Center  
81R25292 KSD-D

C.S.S.B. 819  
By: Davis, Wendy et al.  
Higher Education  
4/18/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Meningococcal meningitis is a disease caused by bacteria which 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 in the course of the disease is imperative. Since the bacteria causing meningococcal meningitis is more easily spread between those in close proximity or with prolonged contact to an infected person, the Centers for Disease Control and Prevention (CDC) recommends routine vaccination of a number of groups at increased risk for contracting the disease, including college freshmen living in dormitories.

C.S.S.B. 819 amends current law relating to the vaccination against bacterial meningitis of certain first-time students at public and private or independent institutions of higher education.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.9192, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9192, as follows:

Sec. 51.9192. BACTERIAL MENINGITIS VACCINATION REQUIRED FOR CERTAIN STUDENTS; EXCEPTIONS. (a) Defines "health practitioner," "institution of higher education," and "private or independent institution of higher education."

(b) Provides that this section applies only to a first-time student of an institution of higher education or 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.

(c) Requires a student to whom this section applies or a parent or guardian of the student, except as provided by Subsection (d), to provide to the institution, at the time and in the manner prescribed by rules adopted by the Texas Higher Education Coordinating Board (THECB), a certificate signed by a health practitioner evidencing that the student has been vaccinated against bacterial meningitis.

(d) Provides that 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 of higher education 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 an affidavit signed by the student stating that the student declines the vaccination for bacterial meningitis for reasons on conscience, including a religious belief, except that the exemption provided by 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.

(e) Requires THECB, in consultation with institutions of higher education and private or independent institutions of higher education, to adopt rules for the administration of this section, including rules establishing the date by which a student who is required to comply with Subsection (c) is required to have received the vaccination required by that subsection, which is prohibited from being later than the date the student initially moves into an on-campus dormitory or other on-campus student housing facility at an institution.

SECTION 2. Makes application of Section 51.9192, Education Code, as added by this Act, prospective to January 1, 2010.

SECTION 3. Effective date: upon passage or September 1, 2009.