

By: Davis, et al.

S.B. No. 819

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the vaccination against bacterial meningitis of certain
3 first-time students at public and private or independent
4 institutions of higher education.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act shall be known as the Jamie Schanbaum
7 Act.

8 SECTION 2. Subchapter Z, Chapter 51, Education Code, is
9 amended by adding Section 51.9192 to read as follows:

10 Sec. 51.9192. BACTERIAL MENINGITIS VACCINATION REQUIRED
11 FOR CERTAIN STUDENTS; EXCEPTIONS. (a) In this section:

12 (1) "Health practitioner" means any person authorized
13 by law to administer an immunization.

14 (2) "Institution of higher education" and "private or
15 independent institution of higher education" have the meanings
16 assigned by Section 61.003.

17 (b) This section applies only to a first-time student of an
18 institution of higher education or private or independent
19 institution of higher education, including a transfer student, who
20 resides in, or has applied for on-campus housing and been approved
21 to reside in, an on-campus dormitory or other on-campus student
22 housing facility at the institution.

23 (c) Except as provided by Subsection (d), a student to whom
24 this section applies or a parent or guardian of the student must

1 provide to the institution, at the time and in the manner prescribed
2 by rules adopted by the Texas Higher Education Coordinating Board,
3 a certificate signed by a health practitioner evidencing that the
4 student has been vaccinated against bacterial meningitis.

5 (d) A student to whom this section applies or a parent or
6 guardian of the student is not required to comply with Subsection
7 (c) if the student or a parent or guardian of the student submits to
8 the institution:

9 (1) an affidavit or a certificate signed by a
10 physician who is duly registered and licensed to practice medicine
11 in the United States in which it is stated that, in the physician's
12 opinion, the vaccination required would be injurious to the health
13 and well-being of the student; or

14 (2) an affidavit signed by the student stating that
15 the student declines the vaccination for bacterial meningitis for
16 reasons of conscience, including a religious belief, except that
17 the exemption provided by this subdivision does not apply during a
18 disaster or public health emergency, terrorist attack, hostile
19 military or paramilitary action, or extraordinary law enforcement
20 emergency declared by an appropriate official or other authority
21 and in effect for the location of the institution the student
22 attends.

23 (e) The Texas Higher Education Coordinating Board, in
24 consultation with institutions of higher education and private or
25 independent institutions of higher education, shall adopt rules for
26 the administration of this section, including rules establishing
27 the date by which a student who is required to comply with

1 Subsection (c) must have received the vaccination required by that
2 subsection, which may not be later than the date the student
3 initially moves into an on-campus dormitory or other on-campus
4 student housing facility at an institution.

5 SECTION 3. Section 51.9192, Education Code, as added by
6 this Act, applies only to first-time students enrolling in public
7 or private or independent institutions of higher education in this
8 state on or after January 1, 2010.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.