

By: Davis, Wendy

S.B. No. 819

A BILL TO BE ENTITLED

AN ACT

relating to the vaccination against bacterial meningitis of certain first-time students at public institutions of higher education.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9192 to read as follows:

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

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

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) This section applies only to a first-time student of an 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) Except as provided by Subsection (d), before registering for any course at an institution of higher education, a student to whom this section applies or a parent or guardian of the student must provide to the institution a certificate signed by a health practitioner evidencing that the student has been vaccinated against bacterial meningitis.

(d) A student to whom this section applies or a parent or

1 guardian of the student is not required to comply with Subsection
2 (c) if the student or a parent or guardian of the student submits to
3 the institution of higher education:

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

9 (2) an affidavit signed by the student stating that
10 the vaccination conflicts with the tenets and practice of a
11 recognized church or religious denomination of which the student is
12 an adherent or member, except that the exemption provided by this
13 subdivision does not apply in times of emergency or epidemic
14 declared by the commissioner of state health services.

15 SECTION 2. Section 51.9192, Education Code, as added by
16 this Act, applies only to first-time students enrolling in public
17 institutions of higher education in this state on or after January
18 1, 2010.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.