

1-1 By: Davis, et al. S.B. No. 819  
1-2 (In the Senate - Filed February 12, 2009; March 4, 2009,  
1-3 read first time and referred to Committee on Higher Education;  
1-4 April 20, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 20, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 819 By: West

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the vaccination against bacterial meningitis of certain  
1-11 first-time students at public and private or independent  
1-12 institutions of higher education.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter Z, Chapter 51, Education Code, is  
1-15 amended by adding Section 51.9192 to read as follows:

1-16 Sec. 51.9192. BACTERIAL MENINGITIS VACCINATION REQUIRED  
1-17 FOR CERTAIN STUDENTS; EXCEPTIONS. (a) In this section:

1-18 (1) "Health practitioner" means any person authorized  
1-19 by law to administer an immunization.

1-20 (2) "Institution of higher education" and "private or  
1-21 independent institution of higher education" have the meanings  
1-22 assigned by Section 61.003.

1-23 (b) This section applies only to a first-time student of an  
1-24 institution of higher education or private or independent  
1-25 institution of higher education, including a transfer student, who  
1-26 resides in, or has applied for on-campus housing and been approved  
1-27 to reside in, an on-campus dormitory or other on-campus student  
1-28 housing facility at the institution.

1-29 (c) Except as provided by Subsection (d), a student to whom  
1-30 this section applies or a parent or guardian of the student must  
1-31 provide to the institution, at the time and in the manner prescribed  
1-32 by rules adopted by the Texas Higher Education Coordinating Board,  
1-33 a certificate signed by a health practitioner evidencing that the  
1-34 student has been vaccinated against bacterial meningitis.

1-35 (d) A student to whom this section applies or a parent or  
1-36 guardian of the student is not required to comply with Subsection  
1-37 (c) if the student or a parent or guardian of the student submits to  
1-38 the institution:

1-39 (1) an affidavit or a certificate signed by a  
1-40 physician who is duly registered and licensed to practice medicine  
1-41 in the United States in which it is stated that, in the physician's  
1-42 opinion, the vaccination required would be injurious to the health  
1-43 and well-being of the student; or

1-44 (2) an affidavit signed by the student stating that  
1-45 the student declines the vaccination for bacterial meningitis for  
1-46 reasons of conscience, including a religious belief, except that  
1-47 the exemption provided by this subdivision does not apply during a  
1-48 disaster or public health emergency, terrorist attack, hostile  
1-49 military or paramilitary action, or extraordinary law enforcement  
1-50 emergency declared by an appropriate official or other authority  
1-51 and in effect for the location of the institution the student  
1-52 attends.

1-53 (e) The Texas Higher Education Coordinating Board, in  
1-54 consultation with institutions of higher education and private or  
1-55 independent institutions of higher education, shall adopt rules for  
1-56 the administration of this section, including rules establishing  
1-57 the date by which a student who is required to comply with  
1-58 Subsection (c) must have received the vaccination required by that  
1-59 subsection, which may not be later than the date the student  
1-60 initially moves into an on-campus dormitory or other on-campus  
1-61 student housing facility at an institution.

1-62 SECTION 2. Section 51.9192, Education Code, as added by  
1-63 this Act, applies only to first-time students enrolling in public

2-1 or private or independent institutions of higher education in this  
2-2 state on or after January 1, 2010.

2-3 SECTION 3. This Act takes effect immediately if it receives  
2-4 a vote of two-thirds of all the members elected to each house, as  
2-5 provided by Section 39, Article III, Texas Constitution. If this  
2-6 Act does not receive the vote necessary for immediate effect, this  
2-7 Act takes effect September 1, 2009.

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