

BILL ANALYSIS

S.B. 1107
By: Davis
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent legislation established a requirement for a first-time student or transfer student of an institution of higher education, including a private or independent institution, who resides in or has applied to live in on-campus housing to present a physician-signed certificate indicating the student has been vaccinated against bacterial meningitis.

Recently, a Texas A&M University student, who was not affected by the legislation because he lived in off-campus housing, passed away after contracting bacterial meningitis. This death, coupled with the release of recommendations by the Advisory Committee on Immunization Practices, a panel affiliated with the Centers for Disease Control and Prevention, that college students be required to provide evidence that they have been vaccinated against bacterial meningitis within the last five years, has lead interested parties to believe that related Texas laws should be expanded.

S.B. 1107 seeks to address these issues by amending current law relating to bacterial meningitis vaccination requirements of certain students at public and private or independent institutions of higher education.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1107 amends the Education Code to specify that the term "entering student," for purposes of provisions of law establishing requirements relating to bacterial meningitis vaccinations, includes a new student, defined by state law as a first-time student of an institution of higher education or private or independent institution of higher education, including a student who transfers to the institution from another institution, and a student who previously attended such institutions of higher education before January 1, 2012, and who is enrolling in the same or another institution following a break in enrollment of at least one fall or spring semester. The bill exempts from such provisions a student of an institution who is enrolled only in online or other distance education courses or who is 30 years of age or older. The bill removes a provision specifying that such provisions apply to 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. The bill makes related conforming changes.

S.B. 1107, in a provision requiring the Texas Higher Education Coordinating Board to adopt rules establishing the date by which applicable students are required to provide the institution with evidence that the student has received the required bacterial meningitis vaccination, prohibits that date from being later than the 10th day before the first day of the semester or other term in which the student initially enrolls unless the student is granted an extension by the institution as provided by rules adopted by the coordinating board, rather than prohibiting the

date 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. The bill requires the rules to authorize an institution of higher education or private or independent institution of higher education to extend the compliance date for an individual student to a date that is not later than the 10th day after the first day of the semester or other term in which the student initially enrolls.

S.B. 1107 specifies that the requirement that an applicable student or a parent or guardian of the student provide certain documents evidencing a bacterial meningitis immunization applies to certain documents evidencing that the student has received a bacterial meningitis vaccination dose or booster during the five-year period preceding the date established by the coordinating board, rather than certain documents evidencing that the student has been vaccinated against bacterial meningitis, and includes an official immunization record as an acceptable document for purposes of providing such evidence.

S.B. 1107 provides a short title, the Jamie Schanbaum and Nicolis Williams Act, for purposes of citing its provisions and makes its provisions applicable only to entering students enrolling in public or private or independent institutions of higher education in Texas on or after January 1, 2012.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.