

BILL ANALYSIS

Senate Research Center
63R17399 KSD-F

C.S.S.B. 62
By: Nelson
Higher Education
3/28/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 62 is intended to ensure that college students are protected from bacterial meningitis while allowing local and state immunization resources to be focused on the most vulnerable individuals. Currently, all Texas college students age 29 and younger must show proof of vaccination against bacterial meningitis in the past five years. This bill aligns meningitis vaccine requirements for college students with Centers for Disease Control recommendations and national best practices by only requiring that students ages 21 and younger show proof of vaccination against this disease. It also requires that students seeking a conscientious exemption utilize the established Department of State Health Services process.

C.S.S.B. 62 amends current law relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.9192, Education Code, by amending Subsections (b), (d) and (d-1) and adding Subsections (d-2), (d-3), (d-4), (d-5), (d-6), and f, as follows:

(b) Provides that this section does not apply to a student of an institution who is enrolled only in online or other distance education courses or who is 22 years of age or older, rather than 30 years of age or older.

(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) (relating to a student or parent of the student being required to provide to the institution a certificate signed by a health practitioner of a received vaccination) if the student or a parent or guardian of the student submits to the institution:

(1) Makes no change to this subdivision; or

(2) an affidavit signed by the student stating that the student declines the vaccination for bacterial meningitis for reasons of conscience, including a religious belief, or confirmation that the student has completed the Internet-based process described by Subdivision (d-3) for declining the vaccination on that basis, if applicable to the student.

(d-1) Creates this subsection from existing text. Provides that the exemption provided by Subsection (d)(2), 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. Makes nonsubstantive and conforming changes.

(d-2) Requires that an affidavit submitted under this subsection be on a form described by Section 161.0041 (Immunization Exemption Affidavit Form), Health and Safety Code, and submitted to the appropriate admitting official not later than the 90th day after the date the affidavit is notarized.

(d-3) Requires that the Department of State Health Services (DSHS) develop and implement a secure, Internet-based process to be used exclusively at those public junior colleges that elect to use the process to allow an entering student to apply online for an exemption from the vaccination requirement under this section for reasons of conscience. Requires that the online process portal be designed to ensure that duplicate exemption requests are avoided to the greatest extent possible. Requires that the exemption form used by a student to claim an exemption under the process contain a statement indicating that the student understands the benefits and risks of the immunization and the benefits and risks of not receiving the immunization.

(d-4) Authorizes a public junior college to require an entering student to use the Internet-based process under Subsection (d-3) as the exclusive method to apply for an exemption from the vaccination required under this section for reasons of conscience.

(d-5) Requires DSHS to report to the legislature annually the number of exemptions applied for in the preceding academic year using the Internet-based process under Subsection (d-3).

(d-6) Redesignates existing Subsection (d-1) as (d-6). Makes no further change to this subsection.

(f) Provides that, in this section, "public junior college" has the meaning assigned by Section 61.003 (Definitions).

SECTION 2. Amends Section 161.0041(a), Health and Safety Code, to add Section 51.9192 to the sections under which a person claiming an exemption from a required immunization based on reasons of conscience, including a religious belief, is required to complete an affidavit on a form provided by the Texas Department of Health stating the reason for the exemption. Provides that this subsection does not apply to a person claiming the exemption using the Internet-based process under Section 51.9192(d-3), Education Code.

SECTION 3. Provides that the changes in law made by this Act apply beginning with entering students enrolling in public or private or independent institutions of higher education in this state on or after January 1, 2014.

SECTION 4. Effective date: October 1, 2013.