

By: Nelson

S.B. No. 62

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the vaccination against bacterial meningitis of  
3 entering students at public and private or independent institutions  
4 of higher education.

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

6 SECTION 1. Section 51.9192, Education Code, is amended by  
7 amending Subsections (b), (d), and (d-1) and adding Subsections  
8 (d-2), (d-3), (d-4), (d-5), (d-6), and (f) to read as follows:

9 (b) This section applies only to an entering student at an  
10 institution of higher education or private or independent  
11 institution of higher education. This section does not apply to a  
12 student of an institution who is enrolled only in online or other  
13 distance education courses or who is 22 [~~30~~] years of age or older.  
14 For purposes of this subsection, "entering student" includes:

- 15 (1) a new student, as defined by Section 51.9191; and  
16 (2) a student who previously attended an institution  
17 of higher education or private or independent institution of higher  
18 education before January 1, 2012, and who is enrolling in the same  
19 or another institution of higher education or private or  
20 independent institution of higher education following a break in  
21 enrollment of at least one fall or spring semester.

22 (d) A student to whom this section applies or a parent or  
23 guardian of the student is not required to comply with Subsection  
24 (c) if the student or a parent or guardian of the student submits to

1 the institution:

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

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

13 (d-1) The [~~except that the~~] exemption provided by  
14 Subsection (d)(2) [~~this subdivision~~] does not apply during a  
15 disaster or public health emergency, terrorist attack, hostile  
16 military or paramilitary action, or extraordinary law enforcement  
17 emergency declared by an appropriate official or other authority  
18 and in effect for the location of the institution the student  
19 attends.

20 (d-2) An affidavit submitted under Subsection (d)(2) must  
21 be:

22 (1) on a form described by Section 161.0041, Health  
23 and Safety Code; and

24 (2) submitted to the appropriate admitting official  
25 not later than the 90th day after the date the affidavit is  
26 notarized.

27 (d-3) The Department of State Health Services shall develop

1 and implement a secure, Internet-based process to be used  
2 exclusively at those public junior colleges that elect to use the  
3 process to allow an entering student to apply online for an  
4 exemption from the vaccination requirement under this section for  
5 reasons of conscience. The online process portal must be designed  
6 to ensure that duplicate exemption requests are avoided to the  
7 greatest extent possible. The exemption form used by a student to  
8 claim an exemption under the process must contain a statement  
9 indicating that the student understands the benefits and risks of  
10 the immunization and the benefits and risks of not receiving the  
11 immunization.

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

16 (d-5) The Department of State Health Services shall report  
17 to the legislature annually the number of exemptions applied for in  
18 the preceding academic year using the Internet-based process under  
19 Subsection (d-3).

20 (d-6) [~~(d-1)~~] An institution of higher education or private  
21 or independent institution of higher education shall provide, with  
22 the registration materials that the institution provides to a  
23 student to whom this section applies before the student's initial  
24 enrollment in the institution, written notice of the right of the  
25 student or of a parent or guardian of the student to claim an  
26 exemption from the vaccination requirement in the manner prescribed  
27 by Subsection (d) and of the importance of consulting a physician

1 about the need for immunization to prevent the disease.

2 (f) In this section, "public junior college" has the meaning  
3 assigned by Section 61.003.

4 SECTION 2. Subsection (a), Section 161.0041, Health and  
5 Safety Code, is amended to read as follows:

6 (a) A person claiming an exemption from a required  
7 immunization based on reasons of conscience, including a religious  
8 belief, under Section 161.004 of this code, Section 38.001,  
9 51.9192, or 51.933, Education Code, or Section 42.043, Human  
10 Resources Code, must complete an affidavit on a form provided by the  
11 department stating the reason for the exemption. This subsection  
12 does not apply to a person claiming the exemption using the  
13 Internet-based process under Section 51.9192(d-3), Education Code.

14 SECTION 3. The changes in law made by this Act apply  
15 beginning with entering students enrolling in public or private or  
16 independent institutions of higher education in this state on or  
17 after January 1, 2014.

18 SECTION 4. This Act takes effect October 1, 2013.