

By: Nelson
(Laubenberg)

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.