

1-1 By: Nelson S.B. No. 62  
1-2 (In the Senate - Filed November 12, 2012; January 28, 2013,  
1-3 read first time and referred to Committee on Higher Education;  
1-4 April 2, 2013, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 2, 2013,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 62 By: Watson

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the vaccination against bacterial meningitis of  
1-20 entering students at public and private or independent institutions  
1-21 of higher education.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 51.9192, Education Code, is amended by  
1-24 amending Subsections (b), (d), and (d-1) and adding Subsections  
1-25 (d-2), (d-3), (d-4), (d-5), (d-6), and (f) to read as follows:

1-26 (b) This section applies only to an entering student at an  
1-27 institution of higher education or private or independent  
1-28 institution of higher education. This section does not apply to a  
1-29 student of an institution who is enrolled only in online or other  
1-30 distance education courses or who is 22 [~~30~~] years of age or older.  
1-31 For purposes of this subsection, "entering student" includes:

1-32 (1) a new student, as defined by Section 51.9191; and

1-33 (2) a student who previously attended an institution  
1-34 of higher education or private or independent institution of higher  
1-35 education before January 1, 2012, and who is enrolling in the same  
1-36 or another institution of higher education or private or  
1-37 independent institution of higher education following a break in  
1-38 enrollment of at least one fall or spring semester.

1-39 (d) A student to whom this section applies or a parent or  
1-40 guardian of the student is not required to comply with Subsection  
1-41 (c) if the student or a parent or guardian of the student submits to  
1-42 the institution:

1-43 (1) an affidavit or a certificate signed by a  
1-44 physician who is duly registered and licensed to practice medicine  
1-45 in the United States in which it is stated that, in the physician's  
1-46 opinion, the vaccination required would be injurious to the health  
1-47 and well-being of the student; or

1-48 (2) an affidavit signed by the student stating that  
1-49 the student declines the vaccination for bacterial meningitis for  
1-50 reasons of conscience, including a religious belief, or  
1-51 confirmation that the student has completed the Internet-based  
1-52 process described by Subsection (d-3) for declining the vaccination  
1-53 on that basis, if applicable to the student.

1-54 (d-1) The [~~except that the~~] exemption provided by  
1-55 Subsection (d)(2) [this subdivision] does not apply during a  
1-56 disaster or public health emergency, terrorist attack, hostile  
1-57 military or paramilitary action, or extraordinary law enforcement  
1-58 emergency declared by an appropriate official or other authority  
1-59 and in effect for the location of the institution the student  
1-60 attends.

2-1 (d-2) An affidavit submitted under Subsection (d)(2) must  
2-2 be:

2-3 (1) on a form described by Section 161.0041, Health  
2-4 and Safety Code; and

2-5 (2) submitted to the appropriate admitting official  
2-6 not later than the 90th day after the date the affidavit is  
2-7 notarized.

2-8 (d-3) The Department of State Health Services shall develop  
2-9 and implement a secure, Internet-based process to be used  
2-10 exclusively at those public junior colleges that elect to use the  
2-11 process to allow an entering student to apply online for an  
2-12 exemption from the vaccination requirement under this section for  
2-13 reasons of conscience. The online process portal must be designed  
2-14 to ensure that duplicate exemption requests are avoided to the  
2-15 greatest extent possible. The exemption form used by a student to  
2-16 claim an exemption under the process must contain a statement  
2-17 indicating that the student understands the benefits and risks of  
2-18 the immunization and the benefits and risks of not receiving the  
2-19 immunization.

2-20 (d-4) A public junior college may require an entering  
2-21 student to use the Internet-based process under Subsection (d-3) as  
2-22 the exclusive method to apply for an exemption from the vaccination  
2-23 required under this section for reasons of conscience.

2-24 (d-5) The Department of State Health Services shall report  
2-25 to the legislature annually the number of exemptions applied for in  
2-26 the preceding academic year using the Internet-based process under  
2-27 Subsection (d-3).

2-28 (d-6) [~~(d-1)~~] An institution of higher education or private  
2-29 or independent institution of higher education shall provide, with  
2-30 the registration materials that the institution provides to a  
2-31 student to whom this section applies before the student's initial  
2-32 enrollment in the institution, written notice of the right of the  
2-33 student or of a parent or guardian of the student to claim an  
2-34 exemption from the vaccination requirement in the manner prescribed  
2-35 by Subsection (d) and of the importance of consulting a physician  
2-36 about the need for immunization to prevent the disease.

2-37 (f) In this section, "public junior college" has the meaning  
2-38 assigned by Section 61.003.

2-39 SECTION 2. Subsection (a), Section 161.0041, Health and  
2-40 Safety Code, is amended to read as follows:

2-41 (a) A person claiming an exemption from a required  
2-42 immunization based on reasons of conscience, including a religious  
2-43 belief, under Section 161.004 of this code, Section 38.001,  
2-44 51.9192, or 51.933, Education Code, or Section 42.043, Human  
2-45 Resources Code, must complete an affidavit on a form provided by the  
2-46 department stating the reason for the exemption. This subsection  
2-47 does not apply to a person claiming the exemption using the  
2-48 Internet-based process under Section 51.9192(d-3), Education Code.

2-49 SECTION 3. The changes in law made by this Act apply  
2-50 beginning with entering students enrolling in public or private or  
2-51 independent institutions of higher education in this state on or  
2-52 after January 1, 2014.

2-53 SECTION 4. This Act takes effect October 1, 2013.

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