

## **BILL ANALYSIS**

Senate Research Center

S.B. 1107  
By: Davis et al.  
Higher Education  
8/1/2011  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 4189, also referred to as the Jamie Schanbaum Act, was passed during the 81st Legislature, Regular Session, 2009. This law requires a first-time student or transfer student of any institution of higher education, including private or independent institutions, 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.

Two recent events have drawn attention to the need for expansions in the law. On February 11, 2011, a Texas A&M University student passed away after contracting bacterial meningitis. The current law did not impact him because he lived in off-campus housing.

In late January 2011, new recommendations on meningitis vaccinations were released by the Advisory Committee on Immunization Practices (committee), a panel based at the Centers for Disease Control and Prevention. Incidents of meningitis are highest in individuals between the ages of 17 and 21. In order to protect this age group, the committee recommends that college students show they have been vaccinated against meningitis within the last five years.

S.B. 1107 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**

Rulemaking authority previously granted to the Texas Higher Education Coordinating Board is modified in SECTION 2 (Section 51.9192, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

**SECTION 1.** Requires that this Act be known as the Jamie Schanbaum and Nicolis Williams Act.

**SECTION 2.** Amends Section 51.912, Education Code, by amending Subsections (b), (c), and (e) and adding Subsection (d-1), as follows:

(b) Provides that this section applies only to an entering student at, rather than a first-time student of, an institution of higher education or private or independent institution of higher education. Provides that 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 30 years of age or older. Provides that, for purposes of this subsection, "entering student" includes a new student, as defined by Section 51.9191 (Bacterial Meningitis Information for New Students), and a student who previously attended an institution of higher education or private or independent institution of higher education before January 1, 2012, and who is enrolling in the same or another institution of higher education or private or independent institution of higher education following a break in enrollment of at least one fall or spring semester. Deletes existing text providing that, for purposes of this subsection, "entering student" includes a transfer student, who resides in, or has applied for on-campus housing and has been approved to reside in, an on-campus dormitory or other on-campus student housing facility at the institution.

(c) Requires a student to whom this section applies or a parent or guardian of the student, except as provided by Subsection (d) (providing that a student to whom this subsection applies or a parent or guardian of the student is not required to comply with Subsection (c) if the student or a parent or guardian of the student submits a certain affidavit to the institution), to provide to the institution, at the time and in the manner prescribed by rules adopted by the Texas Higher Education Coordinating Board (THECB), a certificate signed by a health practitioner or an official immunization record evidencing that the student has received a bacterial meningitis vaccination dose or booster during the five-year period preceding the date established by THECB under Subsection (e), rather than evidencing that the student has been vaccinated against bacterial meningitis.

(d-1) Requires an institution of higher education or private or independent institution of higher education to provide, with the registration materials that the institution provides to a student to whom this section applies before the student's initial enrollment in the institution, written notice of the right of the student to claim an exemption from the vaccination requirement in the manner prescribed by Subsection (d) and of the importance of consulting a physician about the need for immunization to prevent the disease.

(e) Requires THECB, in consultation with institutions of higher education and private or independent institutions of higher education, to adopt rules for the administration of this section, including rules establishing the date by which a student who is required to comply with Subsection (c) must have received the vaccination required by that subsection, which may not be later than the 10th day before the first day of the semester or other term in which the student initially enrolls, rather than not later than the date the student initially moves into an on-campus dormitory or other on-campus student housing facility at an institution, unless the student is granted an extension by the institution as provided by the rules adopted under this subsection. Requires that the rules authorize an institution of higher education 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.

**SECTION 3.** Provides that the changes in law made by this Act to Section 51.9192, Education Code, apply only to entering students enrolling in public or private or independent institutions of higher education in this state on or after January 1, 2012.

**SECTION 4.** Effective date: upon passage or September 1, 2011.