

BILL ANALYSIS

Senate Research Center
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S.B. 819
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Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Meningococcal meningitis is a disease caused by bacteria which infects the fluid of the spinal cord and the fluid surrounding the brain, and can result in brain damage, hearing loss, learning disability, and even death. This form of meningitis can be treated with antibiotics, but given the disease's rapid progression, early treatment in the course of the disease is imperative. Since the bacteria causing meningococcal meningitis is more easily spread between those in close proximity or with prolonged contact to an infected person, the Centers for Disease Control and Prevention (CDC) recommends routine vaccination of a number of groups at increased risk for contracting the disease, including college freshmen living in dormitories.

As proposed, S.B. 819 requires evidence of vaccination against bacterial meningitis from all matriculating freshmen and transfer students who reside in, or have applied for on-campus housing and been approved to reside in, an on-campus dormitory or other on-campus student housing facility at the institution of higher education prior to registering for courses. This bill provides an exemption for medical and religious reasons.

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 Subchapter Z, Chapter 51, Education Code, by adding Section 51.9192, as follows:

Sec. 51.9192. BACTERIAL MENINGITIS VACCINATION REQUIRED FOR CERTAIN STUDENTS; EXCEPTIONS. (a) Defines "health practitioner" and "institution of higher education."

(b) Provides that this section applies only to a first-time student of an institution of higher education, including a transfer student, who resides in, or has applied for on-campus housing and 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), before registering for any course at an institution of higher education, to provide to the institution a certificate signed by a health practitioner evidencing that the student has been vaccinated against bacterial meningitis.

(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) if the student or a parent or guardian of the student submits to the institution of higher education an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States in which it is stated that, in the physician's opinion, the vaccination required would be injurious to the health and well-being of the student; or an affidavit signed by the student stating that the vaccination conflicts with the tenets and practice of a recognized church or religious denomination of which the student is an adherent or member, except that

the exemption provided by this subdivision does not apply in times of emergency or epidemic declared by the commissioner of state health services.

SECTION 2. Makes application of Section 51.9192, Education Code, as added by this Act, prospective to January 1, 2010.

SECTION 3. Effective date: upon passage or September 1, 2009.