

BILL ANALYSIS

Senate Research Center
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S.B. 1107
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Higher Education
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As Filed

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 requires all first-time students and transfer students who attend any institution of higher education, including a private or independent institution, to provide certification showing they have had a vaccination for meningitis during the five-year period preceding the date established by the Texas Higher Education Coordinating Board.

As proposed, S.B. 1107 amends current law relating to the vaccination against bacterial meningitis of first-time 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 1 (Section 51.9192, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 51.9192(b), (c), and (e), Education Code, as follows:

(b) Provides that this section applies only to a first-time student of an institution of higher education or private or independent institution of higher education, including a transfer student, rather than including 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 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.

(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 which may not be later than the date the student initially moves into an on-campus dormitory or other on-campus student housing facility at an institution.

SECTION 2. Provides that the changes in law made by this Act to Section 51.9192, Education Code, apply only to first-time students enrolling in public or private or independent institutions of higher education in this state on or after January 1, 2012.

SECTION 3. Effective date: upon passage or September 1, 2011.