S.B. No. 1107

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Jamie Schanbaum and Nicolis Williams Act.

SECTION 2. Section 51.9192, Education Code, is amended by amending Subsections (b), (c), and (e) and adding Subsection (d-1) to read as follows:

(b) This section applies only to an entering student at [~~a first-time student of~~] an institution of higher education or private or independent institution of higher education. 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. For purposes of this subsection, "entering student" includes:

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

(2) 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[~~, 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) Except as provided by Subsection (d), a student to whom this section applies or a parent or guardian of the student must provide to the institution, at the time and in the manner prescribed by rules adopted by the Texas Higher Education Coordinating Board, a certificate signed by a health practitioner or an official immunization record evidencing that the student has received a [~~been vaccinated against~~] bacterial meningitis vaccination dose or booster during the five-year period preceding the date established by the coordinating board under Subsection (e).

(d-1) An institution of higher education or private or independent institution of higher education shall 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 or of a parent or guardian 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) The Texas Higher Education Coordinating Board, in consultation with institutions of higher education and private or

independent institutions of higher education, shall 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 unless the student is granted an extension by the institution as provided by the rules adopted under this subsection. The rules must authorize an institution of higher education or private 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 [~~date the student initially moves into an on-campus dormitory or other on-campus student housing facility at an institution~~].

SECTION 3. 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

_____ _____
President of the Senate Speaker of the House

I hereby certify that S.B. No. 1107 passed the Senate on April 29, 2011, by the following vote: Yeas 29, Nays 2; and that the Senate concurred in House amendment on May 11, 2011, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

I hereby certify that S.B. No. 1107 passed the House, with amendment, on May 6, 2011, by the following vote: Yeas 122, Nays 14, two present not voting.

_____
Chief Clerk of the House

Approved:

_____
Date

_____
Governor