

- SUBJECT:** Requiring bacterial meningitis vaccination of off-campus students
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 11 ayes — Kolkhorst, Naishtat, Alvarado, Coleman, S. Davis, V. Gonzales, S. King, Laubenberg, Schwertner, Truitt, Zerwas
- 0 nays
- WITNESSES:** For — Anna Dragsbaek, The Immunization Partnership; Leslie Meigs; Frankie Milley; Jamie Schanbaum; Patricia Schanbaum; Greg Williams; Tiffany Williams; (*Registered, but did not testify:* Troy Alexander, Texas Medical Association; Raif Calvert, Independent Colleges & Universities of Texas (ICUT); Carrie Kroll, Texas Pediatric Society; Wendy Meigs; Nidhi Nakra; Arlene Williams)
- Against — MerryLynn Gerstenschlager, Texas Eagle Forum; Dawn Richardson, Parents Requesting Open Vaccine Education; Marie Young; Virginia Young
- On — Stacey Silverman, Texas Higher Education Coordinating Board; Jack Sims, Department of State Health Services
- BACKGROUND:** Education Code, sec. 51.9192 requires a first-time student of a public, private, or independent higher education institution, including a transfer student, who lives in on-campus housing or plans to do so to be vaccinated against bacterial meningitis. A student can be exempt from this requirement if a licensed physician attests that the vaccination would be injurious to the student or if the student objects because of reasons of conscience.
- DIGEST:** HB 1816 would require first-time students of a public, private, or independent higher education institution, including transfer students, to be vaccinated against bacterial meningitis, regardless of whether they lived on or off campus.
- The student or his or her parent or guardian would have to provide a certificate proving receipt of the bacterial meningitis vaccination dose or

booster within the five years preceding the 10th day before the semester began.

The bill would apply only to first-time students enrolling in public, private, or independent higher education institutions on or after January 1, 2012.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

HB 1816 would extend current law by mandating that all new university students receive a meningitis vaccination whether they intend to live on or off campus. Currently, only students living on campus must be vaccinated. There is no sound reason to make this distinction because students who live off campus are just as susceptible to the disease. No child should die needlessly. The currently available exemptions would remain intact.

The bill's requirement would be in line with the latest recommendations from the Advisory Committee on Immunization Practices, a Centers for Disease Control and Prevention (CDC) panel. The recommendations are designed to protect the age group with the highest incidence of the disease. The incidence of meningococcal diseases peaks in all populations between the ages of 17 and 21, not just those living in dorms. By requiring that students show proof of vaccination within the last five years, the bill would target and protect this age group.

There have been some sad and unfortunate instances of students living off campus who contracted meningitis and became severely ill or died, because current law did not apply to them. Meningitis is a very dangerous disease, and although relatively uncommon, it can be deadly. Meningococcal disease kills one in seven adolescents and young adults who contract it. About 20 percent of those who survive have long-term side effects. Treatment also can be costly.

Many students who begin to feel unwell do not realize how serious the disease is and do not seek immediate medical attention, which gravely endangers their lives.

Although universities have information on the disease, many students and their parents simply do not realize that this terrible and often fatal disease

can be easily prevented. Students applying to college must show proof of other vaccinations. This bill simply would add one more.

According to the Department of State Health Services, the vaccine costs about \$100 on the private market, and most insurance companies cover it. If a patient receives it through Medicaid, it is not too costly to the state. While the most recent version of the vaccine released in 2005 had some minor side effects, the safety profile of the vaccine remains strong.

While private and independent universities are not required to honor exemptions, some do. Claims that students enrolling in these universities have no recourse are unfounded.

OPPONENTS
SAY:

A meningitis vaccine mandate is not necessary. The current vaccine has not proven effective, and there are outstanding safety questions surrounding its use. Invasive meningococcal disease in college students is extraordinarily rare, and deaths are even rarer. Claims that every college student is vulnerable are misleading.

These students are college-age adults who are capable of weighing risks and benefits and making their own decisions. The vaccines have side effects and warrant more research to prove their safety before vaccination is required of thousands of university students. The vaccine also is costly, and it is unknown what the expected cost to the state would be.

Current law already requires universities to provide new students with educational materials about the disease, including the availability of vaccination and the risks and possible side effects. Universities must make a reasonable attempt to get written confirmation that students have received the information. If a student is not interested in the vaccine after receiving the information, he or she should not be forced to have it. Informed consent should suffice.

According to the Texas Medical Association, nationally only about 15 college students die each year from meningitis. The number is low because by young adulthood, most people have built up a natural immunity. The CDC has noted that meningitis is not spread through casual contact, so there is no crisis.

Parents need proper consumer protections against dangerous products. All three of the current meningitis vaccines carry warnings for Guillain-Barré

syndrome, a serious and devastating neurological disease. Furthermore, in February of this year, the U.S. Supreme Court shielded vaccine manufacturers from liability for vaccine injuries and deaths. Some children have had dangerous reactions that were not taken seriously.

Additionally, the allowed exemptions from the vaccine requirement for reasons of conscience do not apply to students in private or independent higher education institutions. According to a 2006 attorney general opinion (Atty. Gen. Opinion, No. GA-0420, April 6, 2006), a private school that does not accept state tax funds is not required to accept enrollment of a child who has received an exemption from the immunizations required by the Texas Health and Safety Code. So these students have no resource if they do not wish to be vaccinated.

NOTES:

According to the bill's fiscal note, no significant fiscal implication to the state is anticipated.

The companion bill, SB 1107 by Davis, passed the Senate on April 29. The bill would not apply to students who enrolled only in online courses or who were at least 30 years old.