

AN ACT

relating to the conduct of compliance programs by institutions of higher education and to the vaccination of students of institutions of higher education against bacterial meningitis.

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

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

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9192 to read as follows:

Sec. 51.9192. BACTERIAL MENINGITIS VACCINATION REQUIRED FOR CERTAIN STUDENTS; EXCEPTIONS. (a) In this section:

(1) "Health practitioner" means any person authorized by law to administer an immunization.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(b) 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, 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

1 provide to the institution, at the time and in the manner prescribed
2 by rules adopted by the Texas Higher Education Coordinating Board,
3 a certificate signed by a health practitioner evidencing that the
4 student has been vaccinated against bacterial meningitis.

5 (d) A student to whom this section applies or a parent or
6 guardian of the student is not required to comply with Subsection
7 (c) if the student or a parent or guardian of the student submits to
8 the institution:

9 (1) an affidavit or a certificate signed by a
10 physician who is duly registered and licensed to practice medicine
11 in the United States in which it is stated that, in the physician's
12 opinion, the vaccination required would be injurious to the health
13 and well-being of the student; or

14 (2) an affidavit signed by the student stating that
15 the student declines the vaccination for bacterial meningitis for
16 reasons of conscience, including a religious belief, except that
17 the exemption provided by this subdivision does not apply during a
18 disaster or public health emergency, terrorist attack, hostile
19 military or paramilitary action, or extraordinary law enforcement
20 emergency declared by an appropriate official or other authority
21 and in effect for the location of the institution the student
22 attends.

23 (e) The Texas Higher Education Coordinating Board, in
24 consultation with institutions of higher education and private or
25 independent institutions of higher education, shall adopt rules for
26 the administration of this section, including rules establishing
27 the date by which a student who is required to comply with

1 Subsection (c) must have received the vaccination required by that
2 subsection, which may not be later than the date the student
3 initially moves into an on-campus dormitory or other on-campus
4 student housing facility at an institution.

5 SECTION 3. Subchapter Z, Chapter 51, Education Code, is
6 amended by adding Section 51.971 to read as follows:

7 Sec. 51.971. COMPLIANCE PROGRAM. (a) In this section:

8 (1) "Compliance program" means a process to assess and
9 ensure compliance by the officers and employees of an institution
10 of higher education with applicable laws, rules, regulations, and
11 policies, including matters of:

- 12 (A) ethics and standards of conduct;
13 (B) financial reporting;
14 (C) internal accounting controls; or
15 (D) auditing.

16 (2) "Institution of higher education" has the meaning
17 assigned by Section 61.003.

18 (b) An institution of higher education that maintains a
19 compliance program may establish procedures, such as a telephone
20 hotline, to permit private access to the compliance program office
21 and to preserve the confidentiality of communications and the
22 anonymity of a person making a compliance report or participating
23 in a compliance investigation.

24 (c) The following are confidential:

25 (1) information that directly or indirectly reveals
26 the identity of an individual who made a report to the compliance
27 program office of an institution of higher education, sought

1 guidance from the office, or participated in an investigation
2 conducted under the compliance program; and

3 (2) information that directly or indirectly reveals
4 the identity of an individual as a person who is alleged to have or
5 may have planned, initiated, or participated in activities that are
6 the subject of a report made to the compliance program office of an
7 institution of higher education if, after completing an
8 investigation, the office determines the report to be
9 unsubstantiated or without merit.

10 (d) Subsection (c) does not apply to information related to
11 an individual who consents to disclosure of the information.

12 (e) Information produced in a compliance program
13 investigation the release of which would interfere with an ongoing
14 compliance investigation is excepted from disclosure under Chapter
15 552, Government Code.

16 (f) Information made confidential or excepted from public
17 disclosure by this section may be made available to a law
18 enforcement agency or prosecutor for official purposes of the
19 agency or prosecutor upon proper request made in compliance with
20 applicable law and procedure.

21 SECTION 4. Section 51.9192, Education Code, as added by
22 this Act, applies only to first-time students enrolling in public
23 or private or independent institutions of higher education in this
24 state on or after January 1, 2010.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 4189

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 4189 was passed by the House on May 12, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4189 on May 29, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4189 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor