

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 955 Session of
2001

INTRODUCED BY D. WHITE, ROBBINS, RHOADES, COSTA, ORIE, LAVALLE,
TOMLINSON, ERICKSON, LEMMOND, KUKOVICH, WAUGH, MUSTO,
KASUNIC, CORMAN AND STACK, JUNE 15, 2001

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 11, 2002

AN ACT

1 Providing FOR ADOPTION OF A VACCINATION POLICY AT INSTITUTIONS <—
2 OF HIGHER EDUCATION AND for vaccination against meningococcal
3 disease for students at institutions of higher education. and <—
4 ~~for duties of the Department of Health.~~

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the College and
9 University Student Vaccination Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Branch campus." A branch campus is a unit of an institution
15 of higher education which is distinguished by all of the
16 following characteristics:

17 (1) An academic degree-granting program or organized

parts thereof offered on a continuing basis.

(2) Location separately identifiable from the main campus of the parent institution and providing the services normally associated with the campus.

(3) Legal authority for governance, administration and general operation derived from the charter or enabling legislation of the parent institution or of the State System of Higher Education.

"Community colleges." Institutions now or hereafter created pursuant to Article XIX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.

~~"Department." The Department of Health of the Commonwealth.~~ <—

"Dormitory or housing unit." A building owned by an institution of higher education which is used as a residence by students of the institution.

"Independent institution of higher education." An institution of higher education which is operated not for profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees and apply to itself the designation "college" or "university" as provided for by standards and qualifications prescribed by the State Board of Education under 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries).

"Institution of higher education." An independent institution of higher education, a community college, a State-owned institution or a State-related institution, any of which is approved by the Department of Education.

"State-owned institutions." Those institutions which are

1 part of the State System of Higher Education pursuant to Article
2 XX-A of the act of March 10, 1949 (P.L.30, No.14), known as the
3 Public School Code of 1949.

4 "State-related institutions." The Pennsylvania State
5 University, the University of Pittsburgh, Temple University and
6 Lincoln University and their branch campuses.

7 SECTION 3. VACCINATION POLICY. <—

8 EACH INSTITUTION OF HIGHER EDUCATION SHALL ADOPT A UNIFORM
9 VACCINATION POLICY FOR FULL-TIME STUDENTS RESIDING IN
10 DORMITORIES OR HOUSING UNITS. THE POLICY SHALL BE CONSISTENT
11 WITH THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE
12 CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS FOR
13 ADOLESCENTS.

14 Section 3 4. Vaccination requirement. <—

15 ~~(a) General rule.~~ <—

16 ~~(1) Except as provided in paragraph (2), a student at an~~
17 ~~institution of higher education who resides in a dormitory or~~
18 ~~housing unit must receive a one time vaccination against~~
19 ~~meningococcal disease. If a student is a minor, the~~
20 ~~vaccination may only be administered with the consent of the~~
21 ~~student's parent or guardian.~~

22 ~~(2) A student is exempt from the vaccination requirement~~
23 ~~under paragraph (1) if the institution provides detailed~~
24 ~~information on the risks associated with meningococcal~~
25 ~~disease and the availability and the effectiveness of any~~
26 ~~vaccine to:~~

27 ~~(i) The student, if the student is 18 years of age~~
28 ~~or older, and the student signs a written waiver in a~~
29 ~~form approved by the department stating that the student~~
30 ~~has received and reviewed the information provided and~~

~~has chosen not to be vaccinated against meningococcal disease.~~

~~(ii) The student's parent or guardian, if the student is a minor, and the student's parent or guardian signs a written waiver in a form approved by the department stating that the parent or guardian has received and reviewed the information provided and has chosen not to have the student vaccinated against meningococcal disease.~~

(A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), AN INSTITUTE OF HIGHER EDUCATION SHALL PROHIBIT A STUDENT FROM RESIDING IN A DORMITORY OR HOUSING UNIT UNLESS THE STUDENT HAS RECEIVED A ONE-TIME VACCINATION AGAINST MENINGOCOCCAL DISEASE. IF THE STUDENT IS A MINOR, THE VACCINATION MAY ONLY BE ADMINISTERED WITH THE CONSENT OF THE STUDENT'S PARENT OR GUARDIAN.

(B) EXCEPTION.--AN INSTITUTE OF HIGHER EDUCATION MAY PERMIT A STUDENT TO RESIDE IN A DORMITORY OR HOUSING UNIT WITHOUT BEING VACCINATED, FOR RELIGIOUS OR OTHER REASONS, AGAINST MENINGOCOCCAL DISEASE IF THE INSTITUTE PROVIDES DETAILED INFORMATION ON THE RISKS ASSOCIATED WITH MENINGOCOCCAL DISEASE AND THE AVAILABILITY AND THE EFFECTIVENESS OF ANY VACCINE TO:

(1) THE STUDENT, IF THE STUDENT IS 18 YEARS OF AGE OR OLDER, AND THE STUDENT SIGNS A WRITTEN WAIVER STATING THAT THE STUDENT HAS RECEIVED AND REVIEWED THE INFORMATION PROVIDED AND HAS CHOSEN NOT TO BE VACCINATED, FOR RELIGIOUS OR OTHER REASONS, AGAINST MENINGOCOCCAL DISEASE.

(2) THE STUDENT'S PARENT OR GUARDIAN, IF THE STUDENT IS A MINOR, AND THE STUDENT'S PARENT OR GUARDIAN SIGNS A WRITTEN

1 WAIVER STATING THAT THE PARENT OR GUARDIAN HAS RECEIVED AND
2 REVIEWED THE INFORMATION PROVIDED AND HAS CHOSEN NOT TO HAVE
3 THE STUDENT VACCINATED, FOR RELIGIOUS OR OTHER REASONS,
4 AGAINST MENINGOCOCCAL DISEASE.

5 ~~(b)~~ (C) Construction.--Nothing in this section shall be <—
6 construed to require an institution of higher education to
7 provide or pay for vaccinations against meningococcal disease.
8 An institution is only responsible for the dissemination of
9 information and documentation of vaccination or collection of
10 waiver forms.

11 ~~Section 4. Regulations.~~ <—

12 ~~The department may adopt rules and regulations to administer~~
13 ~~and enforce this act.~~

14 Section 5. Effective date.

15 This act shall take effect in 60 days.