



# Ohio Legislative Service Commission

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## Bill Analysis

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### **Sub. S.B. 69**

128th General Assembly  
(As Passed by the Senate)

**Sens.** Cates, Hughes, Morano, Harris, Kearney, D. Miller, Niehaus, Sawyer, Schiavoni, Strahorn, Turner, Wilson, R. Miller

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### **BILL SUMMARY**

- Effective with the 2010-2011 academic year, requires each student seeking on-campus housing at a public or private institution of higher education or private career school to provide proof that the student has been vaccinated against meningococcal meningitis and hepatitis B, in place of the existing requirement that each student disclose to the institution or school whether the student has been vaccinated.
- Permits a student to receive a waiver from the vaccination requirement for religious or medical reasons.
- Eliminates the requirement that the Department of Health's web site include vaccination status forms and instead requires each institution or school to provide students with its own waiver form.
- Requires the Ohio Board of Regents and the State Board of Career Colleges and Schools to adopt rules as necessary, including rules that specify a process for each institution or school to report its compliance with the bill's requirements.

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## CONTENT AND OPERATION

### Vaccinations for students in on-campus housing

(R.C. 1713.55, 3332.25, and 3345.85; Section 4)

Current law prohibits any state institution of higher education,<sup>1</sup> private institution of higher education, or private career school<sup>2</sup> from allowing a student who has not submitted a meningococcal meningitis and hepatitis B vaccination status disclosure statement from residing in the institution's or school's on-campus housing (see **COMMENT**).<sup>3</sup> On receiving an application for residence in on-campus student housing, the institution or school must inform the student of the disclosure requirement and provide the student, in written or electronic form, a copy of the meningitis and hepatitis B vaccination status statement form from the Department of Health's web site or a comparable statement created by the institution or school.

Beginning in the 2010-2011 school year, the bill eliminates the existing requirement and requires instead that each student applying for residence in on-campus housing of public and private institutions of higher education and private career schools provide documentation or medical certification that the student has been vaccinated against meningococcal meningitis and hepatitis B.<sup>4</sup> The institution or school is required to (1) inform the student or minor student's parent of the vaccination requirement, (2) provide the information from the Department of Health's web site regarding meningitis and hepatitis B, in either written or electronic form (see "**Department of Health responsibilities**," below), and (3) inform the student or parent that the requirement can be waived for religious or medical reasons.

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<sup>1</sup> "State institution of higher education" means any state university or college, community college, state community college, university branch, or technical college. (R.C. 3345.011, not in the bill.)

<sup>2</sup> "Private career school" or "school" means a person possessing a certificate of registration and one or more program authorizations (R.C. 3332.01). It is essentially a for-profit school regulated by the State Board of Career Colleges and Schools.

<sup>3</sup> "On-campus housing" means a dormitory or other student residence that is owned or operated by, or located on the campus of, an institution of higher education. (R.C. 1713.55(A), 3332.25(A), and 3345.85(A).)

<sup>4</sup> The bill does not indicate what the nature of the documentation or medical certification will be, nor does it require a standardized form. Presumably, each institution or school will determine acceptable documentation or adopt medical certification guidelines.

## **Religious or medical waivers**

(R.C. 1713.55(C), 3332.25(C), and 3345.85(C))

The bill requires that each institution of higher education and private career school provide a waiver form for the vaccination requirement to any student or parent that requests it. The form must include a statement for the student or parent to acknowledge having received and read the information from the Department of Health's web site regarding meningitis and hepatitis B and a statement that the student or parent has chosen for religious or medical reasons not to have the student vaccinated against meningococcal meningitis or hepatitis B, or both. On receiving a signed waiver form, the institution or school is required to waive the vaccination requirement.

## **Department of Health responsibilities**

(R.C. 3701.133)

Under current law, the Department of Health is required make available on its web site information about the risks associated with meningococcal meningitis and hepatitis B and the availability and effectiveness of vaccines. The Department also must provide on its web site, in a format suitable for downloading, a meningitis and hepatitis B vaccination status statement form. The form is to be used by a student applying for residence in on-campus housing, or a minor student's parent, to disclose whether the student has been vaccinated against meningococcal meningitis and hepatitis B.

The bill maintains the requirement that the Department make information available on its web site regarding meningococcal meningitis and hepatitis B, but eliminates the requirement that the web site include the status statement form.

## **Rulemaking authority**

### **Public institutions of higher education**

(R.C. 3345.85(F))

The bill requires the Ohio Board of Regents to adopt rules as necessary to implement the bill's requirements with respect to state (*i.e.*, public) institutions of higher education. At a minimum, the bill requires that such rules specify a process for each institution to report the institution's compliance with the bill's requirements.

## Private institutions of higher education and private career schools

(R.C. 1713.55(F) and 3332.25(F))

The bill requires the Ohio Board of Regents and the State Board of Career Colleges and Schools to adopt rules as necessary to implement the bill's requirements with respect to non-profit (*i.e.*, private) institutions of higher education and private career schools, respectively. The bill also requires that such rules be consistent with the rules the Board of Regents adopts to implement the bill's requirements with respect to public institutions of higher education.

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## COMMENT

### Meningitis

Meningococcal meningitis is a rare but potentially fatal bacterial infection of the fluid of a person's spinal cord and the fluid that surrounds the brain.<sup>5</sup> Unlike the less severe form of viral meningitis, bacterial meningococcal meningitis can be prevented by vaccine.<sup>6</sup>

Adolescents and young adults are at increased risk of contracting meningococcal meningitis, and studies show that lifestyle factors of freshmen college students living in dormitories make them particularly vulnerable to the disease. Meningococcal meningitis is extremely dangerous and progresses quickly, but symptoms are flu-like and often confused for less serious illnesses. The earlier meningococcal meningitis is diagnosed and treated with antibiotics, the better the chance for recovery. However, even with early diagnosis and treatment, the disease can cause loss of hearing, limb loss, and brain damage.<sup>7</sup>

### Hepatitis B

Hepatitis B is the most common serious liver infection. It is caused by the hepatitis B virus and is spread through contact with infected blood or body fluids. Long-term effects of hepatitis B infection are cirrhosis or cancer of the liver. People at

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<sup>5</sup> "Meningococcal Disease: Frequently Asked Questions," Centers for Disease Control and Prevention, available at: <http://www.cdc.gov/meningitis/index.html>, last accessed September 21, 2009.

<sup>6</sup> "Disease Fact Sheet: Bacterial Meningitis," available at: <http://www.odh.ohio.gov/ASSETS/7C9537D0C4084EB08DE2C55CE1A3A39F/Meningitis%20information.pdf>, last accessed September 21, 2009.

<sup>7</sup> "Meningococcal Disease," National Meningitis Association, available at: [http://www.nmaus.org/about\\_meningitis/index.htm](http://www.nmaus.org/about_meningitis/index.htm), last accessed September 21, 2009.

risk include those who are health care workers, have multiple sexual partners, live with an infected person, have tattoos or body piercings, or use intravenous drugs. Hepatitis B infection can be prevented by vaccine.<sup>8</sup>

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## HISTORY

ACTION	DATE
Introduced	03-05-09
Reported, S. Health, Human Services & Aging	04-29-09
Passed Senate (32-0)	05-06-09

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<sup>8</sup> "Hepatitis B," Hepatitis B Foundation, available at: <http://www.hepb.org/hepatitisbcd/modules/infectd/id450101/id459101g.html>, last accessed September 21, 2009.

