

STORAGE NAME: h0871.cu.doc
DATE: February 13, 2002

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COLLEGES AND UNIVERSITIES
ANALYSIS**

BILL #: HB 871
RELATING TO: Meningitis Immunization/Schools
SPONSOR(S): Representative Hogan
TIED BILL(S): None.

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH REGULATION YEAS 9 NAYS 0
 - (2) COLLEGES AND UNIVERSITIES
 - (3) COUNCIL FOR HEALTHY COMMUNITIES
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

HB 871 requires individuals enrolled in a postsecondary educational institution in Florida who reside in on-campus housing to be vaccinated against meningococcal meningitis. Each postsecondary educational institution must provide individuals wishing to be exempted from the required vaccination with detailed information on the risks associated with meningococcal meningitis and the availability and effectiveness of vaccination against the disease. An individual may be exempted from the vaccination requirement if the individual, or the individual's parent or guardian if the individual is under 18, signs a waiver form stating that the information provided has been reviewed and the individual chooses not to have the vaccination. The postsecondary educational institution is not required to provide or pay for the vaccinations against meningococcal meningitis. The Department of Health (DOH), in consultation with the Department of Education (DOE), must establish a program and procedures for such vaccination.

Postsecondary education in Florida is provided by 48 school district vocational-technical centers; 39 public community colleges, colleges, and universities; over 100 private colleges and universities; and over 500 private career schools. Information regarding the extent to which these institutions provide on-campus housing or the number of persons residing in such housing was not available at the time this analysis was prepared.

The bill does not provide for the costs of the vaccine or its administration, nor does it provide any changes that would help offset the cost to the private sector by requiring immunization for meningococcal meningitis be covered through health insurance benefits; managed care; indemnity health care plans; or Medicaid. The cost to postsecondary educational institutions of providing the required information or obtaining the required waivers is unknown at this time.

The bill provides an effective date of July 1, 2002.

On February 7, 2002, the Committee on Health Regulation adopted a "strike everything" amendment that is traveling with the bill. See Section VI of this bill analysis for an explanation of the amendment.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|-----------------------------------------|----------------------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

The bill expands government regulation of postsecondary educational institutions in the state.

B. PRESENT SITUATION:

Postsecondary education in Florida is provided by 48 school district vocational-technical centers; 39 public community colleges, colleges, and universities; over 100 private colleges universities; and over 500 private career schools. Nearly two million students are enrolled in various institutions of postsecondary education in this state.¹

The extent to which postsecondary educational institutions provide on-campus housing is not known. For the year 2000, institutions of the State University System reported their residence hall capacities as follows²:

- Florida A&M University 2,942
- Florida Atlantic University 1,500
- Florida Gulf Coast University 250
- Florida International University 1,500
- Florida State University 4,315
- University of Central Florida 1,637
- University of Florida 6,791
- University of North Florida 1,604
- University of South Florida 2,679
- University of West Florida 867

The types of additional housing that may fall under the “on-campus housing” provision of the bill is unknown. It is unknown how many independent colleges and universities in the state provide student housing facilities. Few, if any, vocational-technical centers or career schools provide on-campus housing.

Some postsecondary educational institutions already require students to provide certain health information. Rule 6C-6.001, Florida Administrative Code, requires each student who is accepted for admission by an institution of the State University System to submit, prior to registration, a medical history signed by the student including proof of immunization for measles and rubella. Additionally, some state universities reportedly request information in the admissions application about vaccinations for meningitis and other infectious diseases. The DOE states that some independent

¹ Higher Education Resource Document, January 2001

² State University System 2000 Legislative Briefing Book

colleges and universities also require documented proof of immunization against measles and rubella. It is not known at this time how many independent colleges and universities currently require students to provide such proof.

Florida law currently places certain requirements on public postsecondary educational institutions to provide educational and informational materials to students regarding communicable diseases. Section 240.2097(4), F.S., provides that members of the State University System must develop a policy that addresses the instruction, information, and activities regarding human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS). Such instruction, information, or activities should emphasize the known modes of transmission of HIV/AIDS, the signs and symptoms, the risk factors associated with the diseases, and methods of controlling the spread of such diseases. Section 240.3192, F.S., provides that members of the state Community College System must develop programs similar to those required for state universities for awareness and control of HIV/AIDS.

Meningitis is a rare but potentially fatal infection which can occur in either a viral or bacterial form. The viral form is generally not regarded as a life-threatening disease and the body will usually fight off the viral form through its own defense mechanisms. The bacterial form is regarded as being more dangerous. Meningitis is an attack on the brain and spinal cord which occurs through the cerebrospinal fluid. It can result in permanent brain damage, hearing loss, learning disability, organ failure, loss of limbs, or death.³ There are five subtypes (or Serogroups) of the bacterium that cause meningitis (Serogroups A, B, C, Y, and W-135). The Center for Disease Control (CDC) recommends that students consider getting the Menomune vaccine, which stimulates protective antibodies for all but Serogroup B. In the past, Serogroup B accounted for approximately 50 percent of the cases of meningitis in the United States, but more recently, it has decreased to about 27 percent or less. The vaccine lasts three to five years⁴.

The DOH does not regulate postsecondary educational institution immunization requirements, but supports the recommendations of the U.S. Public Health Service Advisory Committee on Immunization Practices (ACIP) that "recommends providing information on meningococcal meningitis to college students, particularly those planning to live in dormitory on-campus housing." The ACIP recommends that college freshmen wanting to reduce their risk for meningococcal meningitis should receive the vaccine from a doctor's office or student health service or be directed to a site where the vaccine is available. DOE staff state that the cost of a meningitis vaccination is approximately \$70. It is unknown how many Florida residents have already been vaccinated against meningitis or if such vaccinations are readily available to the public at large.

According to the CDC, failure to immunize can lead to new outbreaks of disease. For example, in 1989-91, a measles epidemic resulted in more than 55,000 reported cases, 11,000 hospitalizations, and more than 120 deaths. Vaccines are cost-effective. More than \$13 are saved for every \$1 spent on measles/mumps/rubella vaccine; more than \$29 are saved for every \$1 spent on diphtheria/tetanus/pertussis vaccine; more than \$6 are saved for every \$1 spent on polio vaccine; and more than \$5 are saved for every \$1 spent on varicella vaccine. At the time of this analysis, data were not available regarding any cost savings associated with the vaccination for meningitis.

C. EFFECT OF PROPOSED CHANGES:

HB 871 creates s. 381.0421, F.S., relating to vaccination against meningococcal meningitis.

³ Meningitis Foundation of America

⁴ Florida State University Health Alert

HB 871 requires individuals who are enrolled in a postsecondary educational institution in the state and who reside in on-campus housing to be vaccinated against meningococcal meningitis.

Each postsecondary educational institution must provide individuals wishing to be exempted from the vaccination requirement with detailed information on the risks associated with meningococcal meningitis and the availability and effectiveness of vaccination against the disease. An individual may be exempted from the vaccination requirement if the individual, or the individual's parent if the individual is under 18, signs a waiver form adopted by rule of the DOH indicating that the individual has received and reviewed the information provided by the postsecondary educational institution and has chosen not to be vaccinated against meningococcal meningitis.

HB 871 does not require the postsecondary educational institutions to provide or pay for the required vaccinations.

HB 871 requires the DOH, in consultation with the DOE, to establish a program and procedures for the required vaccination and to adopt rules as necessary to implement s. 381.0421, F.S.

SECTION-BY-SECTION ANALYSIS:

See Above.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The fiscal impact on the private sector is indeterminable. The vaccination is estimated to cost approximately \$70. This may be an undue burden on some individuals. According to the DOE, the CDC reports 45 cases of meningitis by dormitory residents from September 1998-August 1999. This is a rate of 2.2 cases per 100,000 individuals.

The bill does not provide for the costs of the vaccine or its administration, nor does it provide any changes that would help offset the cost to the private sector by requiring that immunization for meningitis be covered through health insurance benefits; managed care, chapter 641, F.S.; indemnity health care plans, chapter 627, F.S.; or Medicaid, chapter 409, F.S.

The cost to private postsecondary educational institutions of determining compliance with the vaccination requirement or providing the required information and distributing and collecting the waiver forms for students seeking an exemption from the required vaccination is unknown.

D. FISCAL COMMENTS:

The fiscal impact of HB 871 is indeterminate.

The DOH, in conjunction with the DOE, must establish a program and procedures for the required vaccination. The DOH must adopt in rule the waiver form to be used by the postsecondary educational institutions to provide an exemption from the vaccination requirement.

According to the DOE, postsecondary institutions will have the burden of the administrative and educational support involved with the program. The costs to the institutions of determining compliance with the vaccination requirement or providing the required information and distributing and collecting the waiver forms for students seeking an exemption from the required vaccination is unknown.

If routine vaccination for meningococcal meningitis were offered to all college students residing on-campus, then the cost of the vaccine and its administration needs to be addressed so that the potential burden to county health departments through referral for vaccination is reduced.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

The bill provides for the DOH, in consultation with the DOE to adopt rules administering the immunization program. The bill requires that the DOH adopt in rule a waiver form to be used by postsecondary educational institutions.

C. OTHER COMMENTS:

According to the DOH, requiring the department to implement a program vaccinating college freshmen could potentially present an increased workload. Currently, rules of the Board of Regents govern required vaccinations of students attending an institution of the State University System.

According to the DOH, if routine vaccination for meningococcal meningitis were offered to all college students residing on-campus, then the costs of the vaccine and its administration needs to be addressed so that the potential burden to county health departments through referral for vaccination is reduced.

According to the DOH, "The ACIP recommendation for vaccination against meningococcal disease for college students should be supported. However, the requirements in this bill go beyond those recommendations. In addition, the bill requires that the Department of Health regulate immunization requirements in postsecondary institutions. The implementation of such a requirement would be better placed under the State Board of Education since immunization requirements as well as documentation of exemptions from requirements will need to be incorporated as part of the postsecondary institution registration and acceptance for admission criteria."

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 7, 2002, the Committee on Health Regulation adopted a "strike everything" amendment that is traveling with the bill. The bill was reported favorably as amended.

The "strike everything" amendment provides that:

- Students accepted for admission by a postsecondary educational institution must be provided detailed information on the risks associated with meningococcal meningitis and the vaccine;
- Students living in on-campus housing will be required to show proof of vaccination or sign a waiver; and
- Nothing in this section of law shall be construed to require a postsecondary educational institution to provide or pay for the vaccine.

VII. SIGNATURES:

COMMITTEE ON HEALTH REGULATION:

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STORAGE NAME: h0871.cu.doc

DATE: February 13, 2002

PAGE: 7

AS REVISED BY THE COMMITTEE ON COLLEGES AND UNIVERSITIES:

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