

STORAGE NAME: h0871.hr.doc
DATE: February 5, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH REGULATION
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
 - (2) COLLEGES & UNIVERSITIES
 - (3) COUNCIL FOR HEALTHY COMMUNITIES
 - (4)
 - (5)
-

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.

Chapter 381, F.S., sets forth the general provisions governing public health in the State of Florida and provides the duties and powers for the Department of Health.

Universities or postsecondary educational institutions are governed by the State Board of Education. Students of postsecondary educational institutions are required to provide proof of immunization for measles and rubella as indicated in Rule 6C-6.001(5), Florida Administrative Code (F.A.C.), before acceptance into an institution. The many private universities and community colleges that are located in Florida, which are not governed by the State Board of Education, have also adopted policies requiring proof of measles and rubella immunization prior to admission. However, unlike measles and rubella, there are no requirements for vaccination against meningococcal meningitis prior to acceptance into a postsecondary educational institution.

The bill requires that the Department of Health develop a program and procedures to implement routine offering of meningococcal polysaccharide vaccine to all college students who reside in on-campus housing and to allow for exemption to the vaccination.

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

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1. Less Government Yes No N/A

This bill provides additional regulation on college admission for students living on-campus.

2. Lower Taxes Yes No N/A

3. Individual Freedom Yes No N/A

4. Personal Responsibility Yes No N/A

5. Family Empowerment Yes No N/A

B. PRESENT SITUATION:

Chapter 381, F.S., sets forth the general provisions governing public health in the State of Florida and provides the duties and powers for the Department of Health.

The State Board of Education governs universities or postsecondary educational institutions. Students of postsecondary educational institutions are required to provide proof of immunization for measles and rubella as indicated in Rule 6C-6.001(5), Florida Administrative Code (F.A.C.), before acceptance into an institution. The many private universities and community colleges that are located in Florida, which are not governed by the State Board of Education, have also adopted policies requiring proof of measles and rubella immunization before admission. However, unlike measles and rubella, there are no requirements for vaccination against meningococcal meningitis prior to acceptance into a postsecondary educational institution.

The Department of Health 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 disease should receive the vaccine from a doctor’s office or student health service or be directed to a site where the vaccine is available. According to the Department of Health, the current vaccine available to the public for meningococcal meningitis does not protect against all strains of the disease including one of the more common strains. Specifically, the vaccination only covers 3 of the 5 types of meningitis and although it does provide protection from 3 types of meningitis, it does not guarantee 100% that a person will not become infected.

Currently, some state universities are specifically requesting information in the enrollment application about vaccination for meningococcal meningitis and other infectious diseases.

According to the Centers for Disease Control (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 the analysis, data was not available regarding any cost savings associated with the vaccination for meningitis.

C. EFFECT OF PROPOSED CHANGES:

The bill requires that the Department of Health develop a program and procedures to implement routine offering of meningococcal polysaccharide vaccine to all college students who reside in on-campus housing and to allow for exemption to the vaccination.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates s. 381.0421, F.S., requiring that individuals that are enrolled in a postsecondary educational institution who reside in on-campus housing be vaccinated against meningococcal meningitis. Requires that the Department of Health, in consultation with the Department of Education, to establish a program and procedures for such vaccination. Requires postsecondary educational institutions to provide individuals wishing to be exempted from the vaccination requirement with detailed information on risks associated with meningitis and the availability and effectiveness of vaccination against the disease. Provides criteria for exemption to include:

- For an individual 18 years of age or older, the individual signs a waiver, in the form adopted by rule of the Department of Health, stating that the individual has received and reviewed the information provided pursuant to law; or
- For an individual under 18 years of age, the individual's parent or guardian signs a wavier, in a form adopted by rule of the Department of Health, stating that the parent or guardian has received and reviewed the information provided by law and has chosen to not have the individual vaccinated against meningococcal meningitis.

Provides that nothing in this section shall be construed to require any postsecondary institution to provide or pay for vaccinations against meningococcal meningitis. Provides authority to the Department of Health, in consultation with the Department of Education to promulgate rules.

Section 2. Provides for an effective date of July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The vaccination is estimated to cost approximately \$70. This may be an undue burden on some individuals. According to the Department of Education, 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.

D. FISCAL COMMENTS:

According to the Department of Education, postsecondary institutions will have the burden of the administrative and educational support involved with the program. There could be administrative costs to universities and community colleges, as they would be required to provide information to individuals residing in on-campus housing units.

If routine vaccination for meningococcal disease were offered to all college students residing on-campus, then the cost of the vaccine and its administration needs to be addressed such 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 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 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:

None.

B. RULE-MAKING AUTHORITY:

The bill provides for the Department of Health, in consultation with the Department of Education to adopt rules administering the immunization program.

C. OTHER COMMENTS:

According to the Department of Health, requiring the department to implement a program vaccinating college freshmen could potentially present an increased workload for the Department of Health, since the regulation of vaccinating college students is currently through administrative rule, under the jurisdiction of the State Board of Education.

According to the Department of Health, if routine vaccination for meningococcal disease were offered to all college students residing on campus as the bill proposes, then the costs of the vaccine and its administration need to be addressed such that the potential burden to county health departments through referral for vaccination is reduced.

According to the Department of Health, "The ACIP recommendation for vaccination against meningococcal disease for college students should be supported. However, the requirements in this bill do 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:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH REGULATION:

Prepared by:

Staff Director:

Lisa Rawlins Maurer, Legislative Analyst

Lucretia Shaw Collins