

Regular Session, 2006

HOUSE BILL NO. 154

BY REPRESENTATIVES STRAIN, ALEXANDER, ARNOLD, BADON, BALDONE, BARROW, BURRELL, CRANE, CROWE, DANIEL, DOERGE, DOVE, DURAND, FANNIN, FAUCHEUX, FRITH, GALLOT, GLOVER, GREENE, HARRIS, HEATON, HONEY, KATZ, KENNEY, MCDONALD, MONTGOMERY, ODINET, PINAC, PITRE, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, GARY SMITH, JANE SMITH, TRAHAN, TUCKER, WADDELL, AND WALKER AND SENATORS BROOME, HINES, AND NEVERS

1 AN ACT

2 To enact R.S. 17:170.1, relative to immunizations; to require certain students of
3 postsecondary education institutions to provide documentation of certain
4 immunizations; to require such institutions to provide information relative to certain
5 immunizations to certain persons; to provide for exceptions; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:170.1 is hereby enacted to read as follows:

9 §170.1. Immunizations of persons registering for courses at postsecondary
10 education institutions requirements; exceptions

11 A.(1) Except as provided in Subsection C of this Section, for the Fall 2006
12 semester, quarter, or comparable academic period, a person shall provide satisfactory
13 evidence of current immunization against meningococcal disease as a condition of
14 registration for courses at a public or nonpublic postsecondary education institution.

15 (2) Except as provided in Subsection C of this Section, effective for the
16 Spring 2007 semester, quarter, or comparable academic period and thereafter, a
17 person entering a public or nonpublic postsecondary education institution for the first
18 time shall provide satisfactory evidence of current immunization against

1 meningococcal disease as a condition of his initial registration for courses at such
2 institution.

3 (3) Except as provided in Subsection C of this Section, effective for the
4 Spring 2007 semester, quarter, or comparable academic period and thereafter, a
5 person returning to a public or nonpublic postsecondary education institution who
6 was not registered for courses at such institution during the Fall 2006 semester,
7 quarter, or comparable academic period and therefore was not subject to the
8 requirement of Paragraph (1) of this Subsection shall provide satisfactory evidence
9 of current immunization against meningococcal disease as a condition of his initial
10 registration for courses upon returning to such institution.

11 B. Every public and nonpublic postsecondary education institution shall
12 provide detailed information on the risks associated with meningococcal disease and
13 the availability, effectiveness, and known contraindications of any required or
14 recommended vaccine against meningococcal disease to each person who has been
15 admitted to such institution or to the person's parent, tutor, or legal guardian if the
16 person is a minor.

17 C. The provisions of Subsection A of this Section shall not apply to the
18 following persons:

19 (1) Any person who is eighteen years of age or older and who signs a waiver
20 provided by the postsecondary education institution stating that the person has
21 received and reviewed the information provided pursuant to Subsection B of this
22 Section and has chosen not to be vaccinated against meningococcal disease for
23 religious or other personal reasons.

24 (2) Any person who is a minor and whose parent, tutor, or legal guardian
25 signs a waiver stating that the person has received and reviewed the information
26 provided pursuant to Subsection B of this Section and has chosen for the student not

1 to be vaccinated against meningococcal disease for religious or other personal
 2 reasons.

3 (3) Any person who has submitted a written statement from a physician
 4 stating that the procedure is contraindicated for medical reasons or, if a minor, any
 5 person whose parent, tutor, or legal guardian has submitted such a statement.

6 (4) Any person whose course registration is limited to correspondence
 7 courses, on-line courses, or any other courses that do not require meeting physically
 8 on campus at the postsecondary education institution for any reason or at any time.
 9 If such person subsequently registers for courses that meet physically on campus,
 10 such person shall be required to provide satisfactory evidence of current
 11 immunization against meningococcal disease as a condition of registration for such
 12 courses at such institution pursuant to Subsection A of this Section.

13 (5) Any person who is unable to comply with the provisions of Subsection
 14 A of this Section due to a shortage in the supply of available vaccinations against
 15 meningococcal disease.

16 D. Nothing in this Section shall be construed to require any public or
 17 nonpublic postsecondary education institution to provide or pay for vaccinations
 18 against meningococcal disease.

19 E. No person shall have a cause of action for damages for injury, loss, or
 20 death against the state or any agency, official, or employee thereof or against any
 21 postsecondary education institution, its governing authority, or any official or
 22 employee thereof for failure to provide the information required by Subsection B of
 23 this Section or for any act or omission in complying with the provisions of this
 24 Section.

25 Section 2. The course registration of any person who registered for courses at a
 26 public or nonpublic postsecondary education institution for the Fall 2006 semester, quarter,
 27 or comparable academic period prior to the effective date of this Act shall not be considered
 28 complete or finalized until such person has complied with the provisions of this Act.

29 Section 3. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____