

HB

185

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 185
(H) Publish Date: 3/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Education
Title: An Act relating to immunization of postsecondary RDU: ACPE
students for meningitis; and providing for an effective date. Component: Program Administration & Operations
Sponsor: Rep. Mike Chenault
Requester: (H)HES Component No.: 2738

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill proposes that any Alaska postsecondary institution that provides residential housing for students will be required to: 1) deliver written advisories regarding meningococcal disease; and 2) collect and maintain student certification that such written notice has been provided, or, alternatively, certification that the student has been immunized for the disease.

The Commission would implement by providing due notice to Alaska institutions and including this requirement within its institutional authorization compliance review program.

Prepared by: Diane Barrans, Executive Director
Division: Executive Office, ACPE
Approved by: Diane Barrans, Executive Director
Agency: Alaska Commission on Postsecondary Education

Phone: 465-6757
Date/Time: 3/14/05 11:17 AM
Date: 3/14/2005

detention on Pg 3

HOUSE BILL NO. 185

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE CHENAULT

Introduced: 2/28/05

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to immunization of postsecondary students for meningitis; and
2 providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 14.48.030(b) is amended to read:

5 (b) Except as provided under AS 14.48.165, the [THE] commission may
6 exempt the following educational programs, and educational institutions only
7 providing programs exempt under (a) of this section and this subsection, from some or
8 all of the provisions of this chapter.

9 (1) a program operated by a state or a political subdivision of a state;

10 (2) instruction sponsored by a bona fide trade, business, labor,
11 professional, or fraternal association or organization, recognized by the commission,
12 and conducted only for that association's or organization's membership;

13 (3) nonprofit postsecondary educational institutions offering
14 undergraduate or graduate educational programs, from a facility in this state, that are

1 acceptable for credit toward an associate, bachelor's, or graduate degree;

2 (4) a program that is provided without a fee, other than the actual cost
3 of materials, to students;

4 (5) a program that does not offer education credentials;

5 (6) a short course of study that is not [NO] more than 10 days or 80
6 hours in duration;

7 (7) a program offered within the state by an out-of-state institution that
8 is authorized to operate by the state in which it is located and is nationally or
9 regionally accredited;

10 (8) a program or institution that is regulated by another agency or
11 political subdivision of the state regarding the quality of course contents, facilities, and
12 operation.

13 * Sec. 2. AS 14.48 is amended by adding a new section to read:

14 **Sec. 14.48.165. Immunization of postsecondary students.** (a) A
15 postsecondary educational institution in this state shall provide written notice to each
16 student who intends to reside in campus housing before the student's initial period of
17 residence, that includes the following information:

18 (1) meningococcal disease

19 (A) is a serious illness that can cause death within a few hours
20 of onset; one in 10 cases is fatal, and one in seven survivors of the illness is left
21 with severe disability;

22 (B) is a contagious but also largely preventable infection of the
23 spinal cord fluid and the fluid surrounding the brain;

24 (2) scientific evidence suggests that college students living in campus
25 housing are at a moderately increased risk of contracting meningococcal disease; and

26 (3) immunization against meningococcal disease decreases the risk of
27 contracting the illness.

28 (b) A student attending a postsecondary educational institution shall sign a
29 document provided by the institution indicating that the student has received

30 (1) an immunization against meningococcal disease; or

31 (2) the notice described under (a) of this section.

1 (c) Nothing in this section may be construed to require a postsecondary
2 educational institution to provide or pay for immunizations against meningococcal
3 disease.

4 (d) A postsecondary educational institution that has made reasonable efforts to
5 comply with this section is not liable for civil damages suffered by a student who
6 attends the institution, who resides on campus, and who contracts meningococcal
7 disease.

Delete

8 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 APPLICABILITY. AS 14.48.165(d), added by sec. 2 of this Act, applies to a civil
11 action that accrues on or after the effective date of this Act.

12 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

LEGAL SERVICES

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MEMORANDUM

February 17, 2005

SUBJECT: Immunization of Postsecondary Students
(Work Order No. 24-LS0642VA)

TO: Representative Mike Chenault
Attn: Sue Wright

FROM: Jean M. Misch
Legislative Counsel

You have requested a sectional summary of the above-described bill draft.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Current law allows the Postsecondary Education Commission to exempt postsecondary education institutions from the applicability of some or all of the provisions of AS 14.48. The amendment made by this bill section excludes the immunization requirement added by section 2 of the bill from that exemption.

Section 2. Requires postsecondary educational institutions to provide written information related to meningococcal disease to each student who intends to reside in campus housing. Requires all students who attend a postsecondary institution to sign a statement that the student has either received the required information from the institution or an immunization against meningococcal disease. Clarifies cost burden and civil liability issues pertaining to the notice and immunization.

Section 3. Adds an applicability provision related to civil cases.

Section 4. Adds an immediate effective date.

JMM:jad
05-102.jad

STATE OF ALASKA

REPRESENTATIVE
MIKE CHENAULT

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Sponsor Statement

HB 185 "An act relating to immunization of postsecondary students for meningitis"

The purpose of this bill is to remove postsecondary educational institutions from the applicability of the provisions of AS 14.48. This also requires postsecondary educational institutions to provide information, and receive a statement from the student having read the information on meningococcal disease prior to attending or living in student housing for said institution. The Center for Disease Control strongly recommends immunizations for all students. This recommendation has been taken seriously to the point that many educational facilities will not admit students without immunizations.