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By: **Delegates Frush, Owings, Klausmeier, Nathan-Pulliam, Rosso,  
Giannetti, Moe, Healey, Love, Menes, D. Davis, Griffith, Pitkin, and  
Schisler**

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Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 5, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health - Infectious and Contagious Diseases - Hepatitis B Virus Hepatitis B**  
3 **Disease - Vaccination of First Time Enrollees at Institutions of Higher**  
4 **Education**

5 FOR the purpose of requiring a ~~certain individual~~ first time enrollee at an institution  
6 of higher education to be vaccinated against hepatitis B ~~virus~~ disease;  
7 exempting a ~~certain individual~~ certain first time enrollees from the hepatitis B  
8 ~~virus~~ disease vaccination requirement; providing that an institution of higher  
9 education is not required to provide or pay for certain vaccinations; providing for  
10 a delayed effective date; providing for the termination of this Act; and generally  
11 relating to the regulation of infectious or contagious diseases such as  
12 vaccination of first time enrollees at institutions of higher education against the  
13 hepatitis B virus disease.

14 BY repealing and reenacting, with amendments,  
15 Article - Health - General  
16 Section 18-102  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2001 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 18-102.

3 (a) The Secretary shall adopt rules and regulations necessary to prevent:

4 (1) The introduction of an infectious or contagious disease into this  
5 State; or

6 (2) The spread of an infectious or contagious disease in this State.

7 (b) (1) Except as provided in paragraph (2) of this subsection, an individual  
8 enrolled in an institution of higher education who resides in on-campus student  
9 housing shall be vaccinated against ~~BOTH~~ meningococcal disease ~~AND HEPATITIS B~~  
10 ~~VIRUS~~.11 (2) An individual is exempt from the vaccination {requirement}  
12 ~~REQUIREMENTS~~ in paragraph (1) of this subsection if:13 (i) The institution of higher education provides detailed  
14 information on the risks associated with ~~{meningococcal}~~ ~~THE~~ disease ~~OR VIRUS~~ and  
15 the availability and effectiveness of any vaccine to:16 1. The individual, if the individual is 18 years of age or older;  
17 or18 2. The individual's parent or guardian, if the individual is a  
19 minor; and20 (ii) 1. The individual is 18 years of age or older and the  
21 individual signs a written waiver in a form approved by the Secretary stating that the  
22 individual has received and reviewed the information provided and has chosen not to  
23 be vaccinated against meningococcal disease ~~OR HEPATITIS B VIRUS OR BOTH~~; or24 2. The individual is a minor and the individual's parent or  
25 guardian signs a written waiver in a form approved by the Secretary stating that the  
26 parent or guardian has received and reviewed the information provided and has  
27 chosen to not have the individual vaccinated against meningococcal disease ~~OR~~  
28 ~~HEPATITIS B VIRUS OR BOTH~~.29 (3) Nothing in this subsection shall be construed to require any  
30 institution of higher education to provide or pay for vaccinations against  
31 meningococcal disease ~~OR HEPATITIS B VIRUS~~.32 (4) The Secretary, in consultation with the Maryland Higher Education  
33 Commission, shall adopt regulations necessary to implement this subsection.34 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A  
35 FIRST TIME ENROLLEE IN AN INSTITUTION OF HIGHER EDUCATION SHALL BE  
36 VACCINATED AGAINST HEPATITIS B DISEASE.

1           (2)    (I)    A FIRST TIME ENROLLEE SHALL HAVE RECEIVED AT LEAST THE  
2 FIRST DOSE OF THE THREE-DOSE HEPATITIS B VACCINATION SCHEDULE AS A  
3 CONDITION OF ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION; AND

4                   (II)    A FIRST TIME ENROLLEE SHALL HAVE RECEIVED THE THIRD  
5 AND FINAL DOSE OF THE HEPATITIS B VACCINATION SCHEDULE WITHIN 9 MONTHS  
6 OF ATTENDANCE AS A CONDITION OF CONTINUED ATTENDANCE AT THE  
7 INSTITUTION OF HIGHER EDUCATION.

8           (3)    AN INDIVIDUAL IS EXEMPT FROM THE VACCINATION  
9 REQUIREMENTS UNDER THIS SUBSECTION IF:

10                   (I)    THE INSTITUTION OF HIGHER EDUCATION PROVIDES  
11 DETAILED INFORMATION ON THE RISKS ASSOCIATED WITH HEPATITIS B DISEASE  
12 AND THE AVAILABILITY AND EFFECTIVENESS OF ANY VACCINE TO:

13                               1.    THE INDIVIDUAL, IF THE INDIVIDUAL IS AT LEAST 18  
14 YEARS OLD; OR

15                               2.    THE INDIVIDUAL'S PARENT OR GUARDIAN, IF THE  
16 INDIVIDUAL IS A MINOR; AND

17                               (I)    1.    THE INDIVIDUAL IS AT LEAST 18 YEARS OLD AND THE  
18 INDIVIDUAL SIGNS A WRITTEN WAIVER IN A FORM APPROVED BY THE SECRETARY  
19 STATING THAT THE INDIVIDUAL HAS RECEIVED AND REVIEWED THE INFORMATION  
20 PROVIDED AND HAS CHOSEN NOT TO BE VACCINATED AGAINST HEPATITIS B  
21 DISEASE; OR

22                               2.    THE INDIVIDUAL IS A MINOR AND THE INDIVIDUAL'S  
23 PARENT OR GUARDIAN SIGNS A WRITTEN WAIVER IN A FORM APPROVED BY THE  
24 SECRETARY STATING THAT THE PARENT OR GUARDIAN HAS RECEIVED AND  
25 REVIEWED THE INFORMATION PROVIDED AND HAS CHOSEN NOT TO HAVE THE  
26 INDIVIDUAL VACCINATED AGAINST HEPATITIS B DISEASE.

27           (4)    THIS SUBSECTION DOES NOT REQUIRE ANY INSTITUTION OF HIGHER  
28 EDUCATION TO PROVIDE OR PAY FOR VACCINATIONS AGAINST HEPATITIS B DISEASE.

29    (⇆)    (D)    The Secretary may enter on and inspect private property to  
30 determine the presence, cause, and source of an infectious or contagious disease.

31    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 ~~October 1, 2002.~~ July 1, 2003. It shall remain effective for a period of 10 years and, at  
33 the end of June 30, 2013, with no further action required by the General Assembly,  
34 this Act shall be abrogated and of no further force and effect.

