

SENATE BILL 790

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By: **Senator Klausmeier**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Secretary of Health and Mental Hygiene – Meningococcal Disease –**
3 **Distribution of Information**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to identify
5 certain resources concerning the risks associated with meningococcal disease,
6 the availability and effectiveness of a certain vaccine, and the potential risks of
7 a certain immunization; requiring the Secretary to provide public access to
8 certain information through the Internet; requiring the Secretary to provide
9 notice to certain organizations of the availability of certain resources; requiring
10 certain organizations to provide notice to certain students and parents or
11 guardians of the availability of certain resources; and generally relating to the
12 distribution of information concerning meningococcal disease.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 18–102
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2008 Supplement)

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

20 **Article – Health – General**

21 18–102.

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

23 (1) The introduction of an infectious or contagious disease into this
24 State or other disease that endangers public health in this State; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The spread of an infectious or contagious disease or other disease
2 that endangers public health in this State.

3 (b) When the Secretary has reason to believe that an infectious or contagious
4 disease or other disease that endangers public health exists within the State, the
5 Secretary shall:

6 (1) Investigate the suspected disease; and

7 (2) Act properly to prevent the spread of the disease.

8 (c) (1) **THE SECRETARY SHALL IDENTIFY RESOURCES, INCLUDING**
9 **INFORMATION FACT SHEETS, RECOMMENDATIONS OF THE CENTERS FOR**
10 **DISEASE CONTROL AND PREVENTION, AND MEDICAL JOURNAL ARTICLES,**
11 **CONTAINING DETAILED INFORMATION CONCERNING:**

12 (I) **THE RISKS ASSOCIATED WITH MENINGOCOCCAL**
13 **DISEASE;**

14 (II) **THE AVAILABILITY AND EFFECTIVENESS OF**
15 **MENINGOCOCCAL VACCINE; AND**

16 (III) **THE POTENTIAL RISKS OF IMMUNIZATION FOR**
17 **MENINGOCOCCAL DISEASE.**

18 (2) **THE SECRETARY SHALL PROVIDE:**

19 (I) **PUBLIC ACCESS TO THE INFORMATION DESCRIBED IN**
20 **PARAGRAPH (1) OF THIS SUBSECTION THROUGH THE INTERNET; AND**

21 (II) **NOTICE OF THE AVAILABILITY OF THE RESOURCES**
22 **DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THROUGH THE INTERNET**
23 **TO EACH:**

24 1. **INSTITUTION OF HIGHER EDUCATION, WHICH**
25 **SHALL PROVIDE NOTICE TO EACH STUDENT ENROLLED IN THE INSTITUTION OF**
26 **THE AVAILABILITY OF THE RESOURCES THROUGH THE INTERNET;**

27 2. **SECONDARY SCHOOL, WHICH SHALL PROVIDE**
28 **NOTICE TO THE PARENT OR GUARDIAN OF EACH STUDENT ENROLLED IN THE**
29 **SCHOOL OF THE AVAILABILITY OF THE RESOURCES THROUGH THE INTERNET;**
30 **AND**

31 3. **CHILD CARE CENTER REQUIRED TO BE LICENSED**
32 **UNDER § 5-574 OF THE FAMILY LAW ARTICLE, WHICH SHALL PROVIDE NOTICE**

1 **TO THE PARENT OR GUARDIAN OF EACH CHILD ENROLLED AT THE CHILD CARE**
2 **CENTER OF THE AVAILABILITY OF THE RESOURCES THROUGH THE INTERNET.**

3 [(c)] (D) (1) Except as provided in paragraph (2) of this subsection, an
4 individual enrolled in an institution of higher education who resides in on-campus
5 student housing shall be vaccinated against meningococcal disease.

6 (2) An individual is exempt from the vaccination requirement in
7 paragraph (1) of this subsection if:

8 (i) The institution of higher education provides detailed
9 information on the risks associated with meningococcal disease and the availability
10 and effectiveness of any vaccine to:

11 1. The individual, if the individual is 18 years of age or
12 older; or

13 2. The individual's parent or guardian, if the individual
14 is a minor; and

15 (ii) 1. The individual is 18 years of age or older and the
16 individual signs a written waiver in a form approved by the Secretary stating that the
17 individual has received and reviewed the information provided and has chosen not to
18 be vaccinated against meningococcal disease; or

19 2. The individual is a minor and the individual's parent
20 or guardian signs a written waiver in a form approved by the Secretary stating that
21 the parent or guardian has received and reviewed the information provided and has
22 chosen to not have the individual vaccinated against meningococcal disease.

23 (3) Nothing in this subsection shall be construed to require any
24 institution of higher education to provide or pay for vaccinations against
25 meningococcal disease.

26 (4) The Secretary, in consultation with the Maryland Higher
27 Education Commission, shall adopt regulations necessary to implement this
28 subsection.

29 [(d)] (E) The Secretary may enter on and inspect private property to
30 determine the presence, cause, and source of an infectious or contagious disease or
31 other disease that endangers public health in this State.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2009.