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By: **Delegates Frush, Eckardt, Kelley, Love, Moe, Nathan-Pulliam, and Owings**

Introduced and read first time: January 24, 2003

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Health - Hepatitis B Disease - Vaccination of First-Time Enrollees at**  
3 **Institutions of Higher Education**

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

12 BY repealing and reenacting, with amendments,  
13 Article - Health - General  
14 Section 18-102  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2002 Supplement)

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

19 **Article - Health - General**

20 18-102.

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

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

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

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

4 (1) Investigate the suspected disease; and

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

6 (c) (1) Except as provided in paragraph (2) of this subsection, an individual  
7 enrolled in an institution of higher education who resides in on-campus student  
8 housing shall be vaccinated against meningococcal disease.

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

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

14 1. The individual, if the individual is 18 years of age or older;  
15 or

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

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

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

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

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

31 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A  
32 FIRST-TIME ENROLLEE IN AN INSTITUTION OF HIGHER EDUCATION SHALL BE  
33 VACCINATED AGAINST HEPATITIS B DISEASE.

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

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

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

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

10 1. THE INDIVIDUAL, IF THE INDIVIDUAL IS AT LEAST 18  
11 YEARS OLD; OR

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

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

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

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 July 1, 2004. It shall remain effective for a period of 10 years and, at the end of June  
31 30, 2014, with no further action required by the General Assembly, this Act shall be  
32 abrogated and of no further force and effect.