



January 24, 2017

HOUSE BILL No. 1069

DIGEST OF HB 1069 (Updated January 18, 2017 6:34 pm - DI 77)

Citations Affected: IC 21-40.

Synopsis: Immunizations for higher education students. Adds meningitis to the required immunizations a student matriculating to a residential campus of an approved postsecondary educational institution must be immunized against. Specifies that the immunizations must be conducted in accordance with specified federal recommendations. Adds an expiration date to the law requiring a state educational institution to disseminate information concerning the meningococcal disease and immunization and deletes a reference to that requirement. Provides that the new immunization requirements do not take effect until the first academic term following July 1, 2018. Makes conforming and technical changes.

Effective: July 1, 2017.

Bacon, Siegrist, Pierce, Porter

January 4, 2017, read first time and referred to Committee on Public Health.
January 23, 2017, amended, reported — Do Pass.

HB 1069—LS 6579/DI 104



January 24, 2017

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1069

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 21-40-1-2, AS ADDED BY P.L.2-2007, SECTION
2 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: Sec. 2. "Academic term" means the regularly scheduled
4 period of on-campus instruction offered by a ~~state~~ **an approved**
5 **postsecondary** educational institution that is substantially comparable
6 to a traditional semester.

7 SECTION 2. IC 21-40-1-2.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2017]: **Sec. 2.5. "Approved postsecondary educational**
10 **institution" has the meaning set forth in IC 21-7-13-6(b).**

11 SECTION 3. IC 21-40-1-3, AS ADDED BY P.L.2-2007, SECTION
12 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2017]: Sec. 3. "Certificate of immunity" means a form that meets the
14 following requirements:

- 15 (1) Is acceptable to a ~~state~~ **an approved postsecondary**
16 **educational institution.**
17 (2) Establishes the immunity of the certificate holder.

HB 1069—LS 6579/DI 104



- 1 (3) Consists of:
 2 (A) a physician's certificate, if available;
 3 (B) immunization records forwarded from another school or
 4 **state approved postsecondary** educational institution;
 5 (C) a record maintained by the student or a parent of the
 6 student showing the month and year during which each dose
 7 of vaccine was administered;
 8 (D) a form developed by the department that may be used by
 9 **state approved postsecondary** educational institutions to
 10 meet the requirements of IC 21-40-5; or
 11 (E) evidence of having met alternative criteria defined by rules
 12 adopted under IC 4-22-2 by the department.

- 13 (4) **Before July 1, 2018**, includes a line to be signed by the
 14 student or the student's parent or guardian that indicates
 15 compliance with IC 21-40-5-5.

16 SECTION 4. IC 21-40-1-5, AS ADDED BY P.L.2-2007, SECTION
 17 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2017]: Sec. 5. "Designated record keeping office" refers to the office
 19 designated by a **state an approved postsecondary** educational
 20 institution as being responsible for maintaining student immunization
 21 records under IC 21-40-5.

22 SECTION 5. IC 21-40-1-6, AS ADDED BY P.L.2-2007, SECTION
 23 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2017]: Sec. 6. "Documentation of exemption" means a form that:

- 25 (1) is acceptable to a **state an approved postsecondary**
 26 educational institution; and
 27 (2) indicates the circumstances as described in IC 21-40-5-4 and
 28 IC 21-40-5-6 entitling the student to an exemption from the
 29 requirements in ~~sections~~ IC 21-40-5-2 and IC 21-40-5-3.

30 SECTION 6. IC 21-40-1-9, AS ADDED BY P.L.2-2007, SECTION
 31 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2017]: Sec. 9. "Student", for purposes of IC 21-40-5, means an
 33 individual who, for the first time:

- 34 (1) physically attends classes at a residential campus of a **state an**
 35 **approved postsecondary** educational institution; and
 36 (2) is enrolled in a **state an approved postsecondary** educational
 37 institution as a full-time student. (~~as defined in 585~~
 38 ~~IC 1-9-1(27)):~~

39 SECTION 7. IC 21-40-5-1, AS ADDED BY P.L.2-2007, SECTION
 40 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2017]: Sec. 1. The department shall develop a form that can be used
 42 by **state approved postsecondary** educational institutions to meet the



1 requirements of this chapter concerning the use of a certificate of
2 immunity.

3 SECTION 8. IC 21-40-5-2, AS ADDED BY P.L.2-2007, SECTION
4 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2017]: Sec. 2. (a) Except as provided in section 7 of this chapter, a
6 **state an approved postsecondary** educational institution may not
7 permit a student to matriculate in a residential campus of a **state an**
8 **approved postsecondary** educational institution unless the student
9 provides the documentation required by section 3 of this chapter for the
10 following diseases:

- 11 (1) Diphtheria.
- 12 (2) Tetanus.
- 13 (3) Measles.
- 14 (4) Mumps.
- 15 (5) Rubella.

16 **(6) Meningococcal disease (meningitis).**

17 (b) ~~A state~~ **An approved postsecondary** educational institution
18 shall notify a student before the student's matriculation ~~of the following~~
19 **requirements:**

20 ~~(1)~~ that the student must be immunized and that the immunization
21 is required for matriculation at the **state approved postsecondary**
22 educational institution unless the student provides the
23 documentation required by section 3 of this chapter.

24 ~~(2) That the:~~

25 ~~(A) student; or~~

26 ~~(B) student's parent or guardian;~~

27 ~~must comply with section 5 of this chapter.~~

28 **(c) The immunizations required under subsection (a) must be**
29 **conducted in accordance with the recommendations established by**
30 **the Advisory Committee on Immunization Practices of the United**
31 **States Centers for Disease Control and Prevention that are in effect**
32 **at the time the immunization is given.**

33 SECTION 9. IC 21-40-5-3, AS ADDED BY P.L.2-2007, SECTION
34 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2017]: Sec. 3. (a) Before matriculating in a residential campus of a
36 **state an approved postsecondary** educational institution, a student
37 shall provide the **state approved postsecondary** educational institution
38 with one (1) of the following documents:

- 39 (1) A certificate of immunity.
- 40 (2) Documentation of exemption as described in sections 4 and 6
41 of this chapter.

42 (b) Before matriculating in a residential campus of a **state an**



1 **approved postsecondary** educational institution, a student who is not
 2 a citizen or resident of the United States shall provide the **state**
 3 **approved postsecondary** educational institution with:

- 4 (1) medical documentation that the student has been tested for
 5 tuberculosis in the United States;
 6 (2) the date on which the tuberculosis test was taken; and
 7 (3) the results of the tuberculosis test.

8 (c) If a student fails to comply with subsection (a) or (b) by the
 9 beginning of the student's second academic term, the **state approved**
 10 **postsecondary** educational institution shall prohibit the student from
 11 matriculating in the residential campus of the **state approved**
 12 **postsecondary** educational institution until the requirements are met.

13 SECTION 10. IC 21-40-5-4, AS ADDED BY P.L.2-2007,
 14 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2017]: Sec. 4. An exemption relieving a student
 16 from the requirements of section 3 of this chapter may be accepted by
 17 the **state approved postsecondary** educational institution as part of the
 18 documentation of exemption for the following reasons:

- 19 (1) If a health care provider makes a written statement indicating
 20 the nature and probable duration of a medical condition or
 21 circumstances that contraindicate an immunization, identifying
 22 the specific vaccine that could be detrimental to the student's
 23 health.
 24 (2) If pregnancy or suspected pregnancy is certified in a written
 25 statement from a health care provider.
 26 (3) If a health care provider provides written documentation that
 27 the student is in the course of completing an approved schedule
 28 of all necessary doses of the vaccines required for the diseases
 29 listed in section 2 of this chapter.

30 If the student's medical condition or circumstances subsequently permit
 31 immunization, the exemptions granted by this section terminate and the
 32 student shall obtain the immunizations from which the student has been
 33 exempted.

34 SECTION 11. IC 21-40-5-5, AS ADDED BY P.L.2-2007,
 35 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) A state educational institution
 37 in which an individual intends to enroll shall provide detailed
 38 information on the risks associated with meningococcal disease and the
 39 availability and effectiveness of vaccination to:

- 40 (1) the individual, if the individual is at least eighteen (18) years
 41 of age; or
 42 (2) the individual's parent or guardian, if the individual is less



- 1 than eighteen (18) years of age.
- 2 (b) A state educational institution described in subsection (a) must
- 3 receive a certificate of immunity:
- 4 (1) that is signed by:
- 5 (A) the individual, if the individual is at least eighteen (18)
- 6 years of age; or
- 7 (B) the individual's parent or guardian, if the individual is less
- 8 than eighteen (18) years of age; and
- 9 (2) that states that the information provided under subsection (a)
- 10 has been reviewed by:
- 11 (A) the individual, if the individual is at least eighteen (18)
- 12 years of age; or
- 13 (B) the individual's parent or guardian, if the individual is less
- 14 than eighteen (18) years of age.
- 15 **(c) This section expires July 1, 2018.**
- 16 SECTION 12. IC 21-40-5-7, AS ADDED BY P.L.2-2007,
- 17 SECTION 281, IS AMENDED TO READ AS FOLLOWS
- 18 [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) Upon the commencement of
- 19 a student's first academic term at a **state an approved postsecondary**
- 20 educational institution and not later than the commencement of the
- 21 student's second academic term, the **state approved postsecondary**
- 22 educational institution shall require the student to comply with the
- 23 requirements of section 3 of this chapter. If the student fails to comply
- 24 with the requirements of section 3 of this chapter by the
- 25 commencement of the student's first academic term, the **state approved**
- 26 **postsecondary** educational institution shall do the following:
- 27 (1) Notify the student of the requirement that the student must be
- 28 immunized and that the immunizations may be administered by
- 29 a health care provider.
- 30 (2) Notify the student that the immunization is required for the
- 31 student's continued:
- 32 (A) enrollment in;
- 33 (B) attendance at; or
- 34 (C) residence on;
- 35 the campus of the **state approved postsecondary** educational
- 36 institution unless the student provides the documentation required
- 37 by section 3 of this chapter.
- 38 (b) If a student fails to comply with section 3 of this chapter by the
- 39 beginning of the student's second academic term, the **approved**
- 40 **postsecondary educational** institution shall prohibit the student from
- 41 matriculating in the **postsecondary** institution's residential campus until
- 42 the requirements are met.



1 SECTION 13. IC 21-40-5-8, AS ADDED BY P.L.2-2007,
 2 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2017]: Sec. 8. The department may commence
 4 an action against a **state approved postsecondary** educational
 5 institution under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an
 6 order of compliance for failure to enforce this chapter.

7 SECTION 14. IC 21-40-5-9, AS ADDED BY P.L.2-2007,
 8 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The designated record
 10 keeping office shall maintain records obtained under section 7 of this
 11 chapter containing the required elements of the immunization status of
 12 an enrolled student. The information required on the certificate of
 13 immunity and the documentation of exemption, whichever applies,
 14 constitutes the required elements of an enrolled student's immunization
 15 status. The information on the certificate of immunity and the
 16 documentation of exemption, whichever applies:

17 (1) is sufficient for accurate compliance with section 11 of this
 18 chapter; and

19 (2) must be accepted by each **state approved postsecondary**
 20 educational institution for purposes of this chapter.

21 (b) The department and the local health department shall, for good
 22 cause shown that there exists a substantial threat to the:

23 (1) health and safety of a student; or

24 (2) community of an **approved postsecondary** educational
 25 institution;

26 be able to validate immunization reports by onsite reviews or
 27 examinations of nonidentifying immunization record data. ~~This section
 28 does not independently authorize the department, a local department of
 29 health, or an agent of the state or local department of health to have
 30 access to identifying medical or academic record data of individual
 31 students attending nonaccredited private postsecondary educational
 32 institutions.~~

33 (c) The records referred to in subsection (a) are sufficient to enable
 34 the **state approved postsecondary** educational institution to generate
 35 a listing of the students who have filed documentation of exemption
 36 forms. The **state approved postsecondary** educational institution shall
 37 develop sufficient plans for excluding these students from the **state**
 38 **approved postsecondary** educational institution for the protection of
 39 these students if an outbreak of a vaccine preventable disease listed in
 40 section 2 of this chapter occurs at or near the campus of the **state**
 41 **approved postsecondary** educational institution.

42 SECTION 15. IC 21-40-5-10, AS ADDED BY P.L.2-2007,



1 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2017]: Sec. 10. ~~A state~~ **An approved**
 3 **postsecondary** educational institution may furnish, not later than
 4 twenty (20) days after a student transfer, a copy of a student's
 5 immunization record to the **state approved postsecondary** educational
 6 institution to which the student transfers and enrolls. The ~~state~~
 7 **approved postsecondary** educational institution to which the student
 8 transfers and enrolls may request a copy of the student's immunization
 9 record from any **state approved postsecondary** educational institution
 10 that the student attended.

11 SECTION 16. IC 21-40-5-11, AS ADDED BY P.L.2-2007,
 12 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2017]: Sec. 11. ~~A state~~ **An approved**
 14 **postsecondary** educational institution shall submit a summary report
 15 to the department and the local health department having jurisdiction
 16 by March 15 of each year. The annual summary report:

17 (1) must be signed by an official of the designated record keeping
 18 office certifying that the information included in the summary
 19 report is accurate; and

20 (2) must include the following:

21 (A) A statement of the number of students with certificates of
 22 immunity, categorized by disease.

23 (B) A statement of the number of students with appropriate
 24 documentation of exemption, categorized by disease.

25 SECTION 17. IC 21-40-5-12 IS REPEALED [EFFECTIVE JULY
 26 1, 2017]. ~~Sec. 12: This chapter does not prohibit a postsecondary~~
 27 ~~educational institution that:~~

28 (1) ~~provides education, degrees, or certificates above the high~~
 29 ~~school level; and~~

30 (2) ~~is not a state educational institution;~~
 31 ~~from voluntarily complying with this chapter.~~

32 SECTION 18. IC 21-40-5-14 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2017]: **Sec. 14. (a) Notwithstanding section**
 35 **2(a)(6) of this chapter, a student is not required to be immunized**
 36 **for meningococcal disease until the first academic term following**
 37 **July 1, 2018.**

38 (b) **A state educational institution may matriculate a student in**
 39 **a residential campus of the state educational institution who has**
 40 **not been immunized for meningococcal disease until the first**
 41 **academic term following July 1, 2018.**

42 (c) A:



- 1 **(1) nonprofit college or university; and**
- 2 **(2) postsecondary credit bearing proprietary educational**
- 3 **institution that is accredited by an accrediting agency**
- 4 **recognized by the United States Department of Education;**
- 5 **is not required to comply with the requirements of this chapter**
- 6 **until the first academic term following July 1, 2018.**
- 7 **(d) This section expires July 1, 2019.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1069, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 21-40-1-2, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. "Academic term" means the regularly scheduled period of on-campus instruction offered by a ~~state~~ **an approved postsecondary** educational institution that is substantially comparable to a traditional semester.

SECTION 2. IC 21-40-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2.5. "Approved postsecondary educational institution" has the meaning set forth in IC 21-7-13-6(b).**

SECTION 3. IC 21-40-1-3, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. "Certificate of immunity" means a form that meets the following requirements:

- (1) Is acceptable to a ~~state~~ **an approved postsecondary** educational institution.
- (2) Establishes the immunity of the certificate holder.
- (3) Consists of:
 - (A) a physician's certificate, if available;
 - (B) immunization records forwarded from another school or **state approved postsecondary** educational institution;
 - (C) a record maintained by the student or a parent of the student showing the month and year during which each dose of vaccine was administered;
 - (D) a form developed by the department that may be used by **state approved postsecondary** educational institutions to meet the requirements of IC 21-40-5; or
 - (E) evidence of having met alternative criteria defined by rules adopted under IC 4-22-2 by the department.
- (4) **Before July 1, 2018**, includes a line to be signed by the student or the student's parent or guardian that indicates compliance with IC 21-40-5-5."

Page 2, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 4. IC 21-40-1-5, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2017]: Sec. 5. "Designated record keeping office" refers to the office designated by a ~~state~~ **an approved postsecondary** educational institution as being responsible for maintaining student immunization records under IC 21-40-5.

SECTION 5. IC 21-40-1-6, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. "Documentation of exemption" means a form that:

- (1) is acceptable to a ~~state~~ **an approved postsecondary** educational institution; and
- (2) indicates the circumstances as described in IC 21-40-5-4 and IC 21-40-5-6 entitling the student to an exemption from the requirements in ~~sections~~ IC 21-40-5-2 and IC 21-40-5-3.

SECTION 6. IC 21-40-1-9, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. "Student", for purposes of IC 21-40-5, means an individual who, for the first time:

- (1) physically attends classes at a residential campus of a ~~state~~ **an approved postsecondary** educational institution; and
- (2) is enrolled in a ~~state~~ **an approved postsecondary** educational institution as a full-time student. (~~as defined in 585 IAC 1-9-1(27)~~).

SECTION 7. IC 21-40-5-1, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. The department shall develop a form that can be used by ~~state~~ **an approved postsecondary** educational institutions to meet the requirements of this chapter concerning the use of a certificate of immunity."

Page 2, line 6, after "chapter," strike "a".

Page 2, line 7, strike "state" and insert "**an approved postsecondary**".

Page 2, line 8, strike "a state" and insert "**an approved postsecondary**".

Page 2, line 16, delete "Meningitis." and insert "**Meningococcal disease (meningitis)**".

Page 2, line 17, strike "A state" and insert "**An approved postsecondary**".

Page 2, line 20, strike "state" and insert "**approved postsecondary**".

Page 2, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 9. IC 21-40-5-3, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) Before matriculating in a residential campus of a



state an approved postsecondary educational institution, a student shall provide the **state approved postsecondary** educational institution with one (1) of the following documents:

- (1) A certificate of immunity.
- (2) Documentation of exemption as described in sections 4 and 6 of this chapter.

(b) Before matriculating in a residential campus of a **state an approved postsecondary** educational institution, a student who is not a citizen or resident of the United States shall provide the **state approved postsecondary** educational institution with:

- (1) medical documentation that the student has been tested for tuberculosis in the United States;
- (2) the date on which the tuberculosis test was taken; and
- (3) the results of the tuberculosis test.

(c) If a student fails to comply with subsection (a) or (b) by the beginning of the student's second academic term, the **state approved postsecondary** educational institution shall prohibit the student from matriculating in the residential campus of the **state approved postsecondary** educational institution until the requirements are met.

SECTION 10. IC 21-40-5-4, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. An exemption relieving a student from the requirements of section 3 of this chapter may be accepted by the **state approved postsecondary** educational institution as part of the documentation of exemption for the following reasons:

- (1) If a health care provider makes a written statement indicating the nature and probable duration of a medical condition or circumstances that contraindicate an immunization, identifying the specific vaccine that could be detrimental to the student's health.
- (2) If pregnancy or suspected pregnancy is certified in a written statement from a health care provider.
- (3) If a health care provider provides written documentation that the student is in the course of completing an approved schedule of all necessary doses of the vaccines required for the diseases listed in section 2 of this chapter.

If the student's medical condition or circumstances subsequently permit immunization, the exemptions granted by this section terminate and the student shall obtain the immunizations from which the student has been exempted.

SECTION 11. IC 21-40-5-5, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2017]: Sec. 5. (a) A state educational institution in which an individual intends to enroll shall provide detailed information on the risks associated with meningococcal disease and the availability and effectiveness of vaccination to:

- (1) the individual, if the individual is at least eighteen (18) years of age; or
- (2) the individual's parent or guardian, if the individual is less than eighteen (18) years of age.

(b) A state educational institution described in subsection (a) must receive a certificate of immunity:

- (1) that is signed by:
 - (A) the individual, if the individual is at least eighteen (18) years of age; or
 - (B) the individual's parent or guardian, if the individual is less than eighteen (18) years of age; and
- (2) that states that the information provided under subsection (a) has been reviewed by:
 - (A) the individual, if the individual is at least eighteen (18) years of age; or
 - (B) the individual's parent or guardian, if the individual is less than eighteen (18) years of age.

(c) This section expires July 1, 2018.

SECTION 12. IC 21-40-5-7, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) Upon the commencement of a student's first academic term at a **state approved postsecondary** educational institution and not later than the commencement of the student's second academic term, the **state approved postsecondary** educational institution shall require the student to comply with the requirements of section 3 of this chapter. If the student fails to comply with the requirements of section 3 of this chapter by the commencement of the student's first academic term, the **state approved postsecondary** educational institution shall do the following:

- (1) Notify the student of the requirement that the student must be immunized and that the immunizations may be administered by a health care provider.
- (2) Notify the student that the immunization is required for the student's continued:
 - (A) enrollment in;
 - (B) attendance at; or
 - (C) residence on;
 the campus of the **state approved postsecondary** educational



institution unless the student provides the documentation required by section 3 of this chapter.

(b) If a student fails to comply with section 3 of this chapter by the beginning of the student's second academic term, the **approved postsecondary educational** institution shall prohibit the student from matriculating in the ~~postsecondary~~ institution's residential campus until the requirements are met.

SECTION 13. IC 21-40-5-8, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. The department may commence an action against a ~~state~~ **an approved postsecondary** educational institution under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an order of compliance for failure to enforce this chapter.

SECTION 14. IC 21-40-5-9, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The designated record keeping office shall maintain records obtained under section 7 of this chapter containing the required elements of the immunization status of an enrolled student. The information required on the certificate of immunity and the documentation of exemption, whichever applies, constitutes the required elements of an enrolled student's immunization status. The information on the certificate of immunity and the documentation of exemption, whichever applies:

(1) is sufficient for accurate compliance with section 11 of this chapter; and

(2) must be accepted by each ~~state~~ **approved postsecondary** educational institution for purposes of this chapter.

(b) The department and the local health department shall, for good cause shown that there exists a substantial threat to the:

(1) health and safety of a student; or

(2) community of an **approved postsecondary** educational institution;

be able to validate immunization reports by onsite reviews or examinations of nonidentifying immunization record data. ~~This section does not independently authorize the department, a local department of health, or an agent of the state or local department of health to have access to identifying medical or academic record data of individual students attending nonaccredited private postsecondary educational institutions.~~

(c) The records referred to in subsection (a) are sufficient to enable the ~~state~~ **approved postsecondary** educational institution to generate a listing of the students who have filed documentation of exemption



forms. The **state approved postsecondary** educational institution shall develop sufficient plans for excluding these students from the **state approved postsecondary** educational institution for the protection of these students if an outbreak of a vaccine preventable disease listed in section 2 of this chapter occurs at or near the campus of the **state approved postsecondary** educational institution.

SECTION 15. IC 21-40-5-10, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. ~~A state~~ **An approved postsecondary** educational institution may furnish, not later than twenty (20) days after a student transfer, a copy of a student's immunization record to the **state approved postsecondary** educational institution to which the student transfers and enrolls. The **state approved postsecondary** educational institution to which the student transfers and enrolls may request a copy of the student's immunization record from any **state approved postsecondary** educational institution that the student attended.

SECTION 16. IC 21-40-5-11, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. ~~A state~~ **An approved postsecondary** educational institution shall submit a summary report to the department and the local health department having jurisdiction by March 15 of each year. The annual summary report:

- (1) must be signed by an official of the designated record keeping office certifying that the information included in the summary report is accurate; and
- (2) must include the following:
 - (A) A statement of the number of students with certificates of immunity, categorized by disease.
 - (B) A statement of the number of students with appropriate documentation of exemption, categorized by disease.

SECTION 17. IC 21-40-5-12 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 12: This chapter does not prohibit a postsecondary educational institution that:~~

- ~~(1) provides education, degrees, or certificates above the high school level; and~~
- ~~(2) is not a state educational institution;~~

~~from voluntarily complying with this chapter.~~

SECTION 18. IC 21-40-5-14 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 14. (a) Notwithstanding section 2(a)(6) of this chapter, a student is not required to be immunized**



for meningococcal disease until the first academic term following July 1, 2018.

(b) A state educational institution may matriculate a student in a residential campus of the state educational institution who has not been immunized for meningococcal disease until the first academic term following July 1, 2018.

(c) A:

(1) nonprofit college or university; and

(2) postsecondary credit bearing proprietary educational institution that is accredited by an accrediting agency recognized by the United States Department of Education;

is not required to comply with the requirements of this chapter until the first academic term following July 1, 2018.

(d) This section expires July 1, 2019."

Page 3, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1069 as introduced.)

KIRCHHOFER

Committee Vote: yeas 12, nays 0.

