

**RULES  
OF  
TENNESSEE HIGHER EDUCATION COMMISSION**

**CHAPTER 1540-01-09  
IMMUNIZATIONS FOR NEWLY MATRICULATING STUDENTS**

**TABLE OF CONTENTS**

|                |                                    |                |   |
|----------------|------------------------------------|----------------|---|
| 1540-01-09-.01 | Definitions                        | 1540-01-09-.04 | Proof of Immunization Against Meningococcal Disease |
| 1540-01-09-.02 | Notice of Information              |                |   |
| 1540-01-09-.03 | Waiver for Hepatitis B Vaccination |                |   |

**1540-01-09-.01 DEFINITIONS.**

- (1) "New incoming students" or "student" for the purpose of this chapter shall mean those students enrolling in an institution of higher learning for the first time, regardless of the level at which the student is matriculating. Additionally, the terms shall apply only to persons enrolled in a course or courses offered for college credit toward an associate's degree or higher.
- (2) "Institution of higher learning" for the purposes of this chapter shall mean any institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level. It is the intent that the Tennessee Colleges of Applied Technology operating under the jurisdiction of the Tennessee Board of Regents would be among the institutions exempt from the requirements of these rules.

**Authority:** Acts of 2003; Public Chapters 104 and 136, 2013 Public Acts, Chapters 114 and 473, T.C.A. §§ 49-7-124 and 49-7-125,. **Administrative History:** Original rule filed August 14, 2003; effective December 29, 2003. Emergency rule filed September 3, 2013; effective through March 2, 2014. Amendment filed September 3, 2013; effective February 28, 2014.

**1540-01-09-.02 NOTICE OF INFORMATION.**

Each institution of higher learning in the state shall provide to all new incoming students, and/or the parent or guardian of new incoming students, information concerning hepatitis B disease. The information shall be provided to the student and/or parent or guardian prior to matriculation and include the risk factors and dangers of each disease as well as information on the availability and effectiveness of the respective vaccines for persons who are at-risk for the diseases. The institutions shall utilize information from the Centers for Disease Control and/or the American College Health Association in satisfying this requirement.

**Authority:** Acts of 2003; Public Chapters 104 and 136, and 2013 Public Acts, Chapters 114, and 473, and T.C.A. §§ 49-7-124 and 49-7-125. **Administrative History:** Original rule filed August 14, 2003; effective December 29, 2003. Emergency rule filed September 3, 2013; effective through March 2, 2014. Amendment filed September 3, 2013; effective February 28, 2014.

**1540-01-09-.03 WAIVER FOR HEPATITIS B VACCINATION.**

- (1) Prior to matriculating into the institution, the new incoming student and/or the student's parent or guardian shall complete and sign a waiver form to indicate that the student and/or the student's parent or guardian has received the information required by Rule 1540-01-09-.02 and has chosen to have the student vaccinated or has not chosen to have the student vaccinated.

(Rule 1540-01-09-.03, continued)

- (2) The waiver may be part of the information document required by Rule 1540-01-09-.02.
- (3) A student who is eighteen (18) years of age may sign the waiver, but for minors, the student's parent or guardian must sign the waiver.
- (4) The institution shall maintain the signed waiver forms in a manner and location consistent with the maintenance of similar confidential education records.

**Authority:** Acts of 2003; Public Chapters 104 and 136, 2013 Public Acts, Chapter 114, and T.C.A. §§ 49-7-125. **Administrative History:** Original rule filed August 14, 2003; effective December 29, 2003. Emergency rule filed September 3, 2013; effective through March 2, 2014. Amendment filed September 3, 2013; effective February 28, 2014.

#### 1540-01-09-.04 PROOF OF IMMUNIZATION AGAINST MENINGOCOCCAL DISEASE.

- (1) New incoming students through the age of 21 who live in on-campus student housing at public institutions of higher learning shall provide proof of adequate immunization against meningococcal disease as recommended for adults in the current advisory committee on immunization practices "Recommended Adult Immunization Schedule" published by the Centers for Disease Control and Prevention.
- (2) A student may be exempted from this requirement only under the following circumstances:
  - (a) Where a physician licensed by the board of medical examiners, the board of osteopathic examiners or a health department certifies in writing that a particular vaccine is contraindicated for one (1) of the following reasons:
    1. The individual meets the criteria for contraindication set forth in the manufacturer's vaccine package insert; or
    2. The individual meets that criteria for contraindication published by the centers for disease control or the advisory committee on immunization practices; or
    3. In the best professional judgment of the physician, based upon the individual's medical condition and history, the risk of harm from the vaccine outweighs the potential benefit.
  - (b) Where a parent or guardian or, in the case of an adult student, the student provides to the school a written statement, affirmed under penalties of perjury, that vaccination conflicts with the religious tenets and practices of the parent or guardian or, in the case of an adult student, the student.

**Authority:** 2013 Public Acts, Chapter 114. **Administrative History:** Emergency rule filed September 3, 2013; effective through March 2, 2014. Original rule filed September 3, 2013; effective February 28, 2014.