

Minority Report
A-Engrossed
Senate Bill 132

Ordered by the Senate April 26
Including Senate Minority Report Amendments dated April 26

Sponsored by nonconcurring members of the Senate Committee on Health Care and Human Services: Senators
KNOPP, KRUSE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Changes certain documentation that must be submitted to school administrator for purpose of opting out of immunizations. **Permits parent to opt child out of immunization by submitting affidavit declaring that immunization conflicts with parent's sincerely held religious beliefs.**
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to immunization of school children; creating new provisions; amending ORS 433.102,
3 433.267, 433.273 and 433.284; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 433.267 is amended to read:

6 433.267. (1)(a) As a condition of attendance in any school or children's facility in this state,
7 every child through grade 12 shall submit to the administrator, *[one of the following statements]* un-
8 less the school or facility *[which]* the child attends already has on file a record *[which]* **that** indi-
9 cates that the child has received immunizations against the restrictable diseases prescribed by rules
10 of the Oregon Health Authority as provided in ORS 433.273, **one of the following:**

11 *[(a)]* **(A)** A *[statement]* **document** signed by the parent, a practitioner of the healing arts who
12 has within the scope of the practitioner's license the authority to administer immunizations or a
13 representative of the local health department certifying the immunizations the child has received;

14 *[(b)]* **(B)** A *[statement]* **document** signed by a physician or a representative of the local health
15 department **stating** that the child should be exempted from receiving specified immunization because
16 of indicated medical diagnosis; *[or]*

17 *[(c)]* **(C)** *[A statement]* **An affidavit** signed by the parent that the child has not been immunized
18 as described in *[paragraph (a) of this subsection]* **subparagraph (A) of this paragraph** because the
19 *[child is being reared as an adherent to a religion the teachings of which are opposed to such immu-*
20 *nization.]* **immunization conflicts with the sincerely held religious beliefs of the parent; or**

21 **(D) A document, on a form prescribed by the authority by rule and signed by the parent**
22 **of the child, stating that the parent is declining one or more immunizations on behalf of the**
23 **child.**

24 **(b) A document submitted under paragraph (a)(D) of this subsection must include either:**

25 **(A) A signature from a health care practitioner verifying that the health care practi-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **tioner has reviewed with the parent information about the risks and benefits of immuniza-**
 2 **tion that is consistent with information published by the Centers for Disease Control and**
 3 **Prevention and the contents of the vaccine educational module approved by the authority**
 4 **pursuant to rules adopted under ORS 433.273; or**

5 **(B) A certificate verifying that the parent has completed a vaccine educational module**
 6 **approved by the authority pursuant to rules adopted under ORS 433.273.**

7 (2)(a) A newly entering child or a transferring child shall be required to submit the *[statement]*
 8 **document or affidavit** described in subsection (1) of this section prior to attending the school or
 9 facility.

10 (b) Notwithstanding paragraph (a) of this subsection, a child transferring from a school in the
 11 United States must submit the *[statement]* **document or affidavit** required by subsection (1) of this
 12 section not later than the exclusion date set by rule of the authority.

13 (3) Persons who have been emancipated pursuant to ORS 419B.558 or who have reached the age
 14 of consent for medical care pursuant to ORS 109.640 may sign those *[statements]* **documents or af-**
 15 **fidavits** on their own behalf otherwise requiring the signatures of parents under subsection (1) of
 16 this section.

17 (4) The administrator shall conduct a primary evaluation of the records submitted pursuant to
 18 subsection (1) of this section to determine whether the child is entitled to begin attendance by rea-
 19 son of having submitted a *[statement]* **document or affidavit** that complies with the requirements
 20 of subsection (1) of this section.

21 (5) If the records do not meet the initial minimum requirements established by rule, the child
 22 may not be allowed to attend until the requirements are met. If the records meet the initial minimum
 23 requirements, the child shall be allowed to attend.

24 (6) At the time specified by the authority by rule, records for children meeting the initial mini-
 25 mum requirements and records previously on file shall be reviewed for completion of requirements
 26 by the administrator to determine whether the child is entitled to continue in attendance. If the
 27 records do not comply, the administrator shall notify the local health department and shall transmit
 28 any records concerning the child's immunization status to the local health department.

29 (7) The local health department shall provide for a secondary evaluation of the records to de-
 30 termine whether the child should be excluded for noncompliance with the requirements stated in
 31 subsection *[(1)(a) or (b)]* **(1)(a)(A), (B) or (D)** of this section. If the child is determined to be in
 32 noncompliance, the local health department shall issue an exclusion order and shall send copies of
 33 the order to the parent or the person who is emancipated or has reached the age of majority and
 34 the administrator. On the effective date of the order, the administrator shall exclude the child from
 35 the school or facility and not allow the child to attend the school or facility until the requirements
 36 of this section have been met.

37 (8) The administrator shall readmit the child to the school or facility when in the judgment of
 38 the local health department the child is in compliance with the requirements of this section.

39 (9) The administrator shall be responsible for updating the *[statement]* **document** described in
 40 subsection *[(1)(a)]* **(1)(a)(A)** of this section as necessary to reflect the current status of the immu-
 41 nization of the child and the time at which the child comes into compliance with immunizations
 42 against the restrictable diseases prescribed by rules of the authority pursuant to ORS 433.273.

43 (10) Nothing in this section shall be construed as relieving agencies, in addition to school dis-
 44 tricts, which are involved in the maintenance and evaluation of immunization records on April 27,
 45 1981, from continuing responsibility for these activities.

1 (11) All *[statements]* **documents** required by this section shall be on forms approved or provided
2 by the authority.

3 (12) In lieu of signed *[statements from practitioners of the healing arts]* **documents from prac-**
4 **titioners**, the authority may accept immunization record updates using practitioner documented
5 immunization records generated by electronic means or on unsigned practitioner letterhead if the
6 authority determines such records are accurate.

7 (13) As used in this section:

8 (a) “Newly entering child” means a child who is initially attending:

9 (A) A facility in this state;

10 (B) A school at the entry grade level;

11 (C) Either a school at any grade level or a facility from homeschooling; or

12 (D) A school at any grade level or a facility after entering the United States from another
13 country.

14 (b) “Transferring child” means a child moving from:

15 (A) One facility to another facility;

16 (B) One school in this state to another school in this state when the move is not the result of
17 a normal progression of grade level; or

18 (C) A school in another state to a school in this state.

19 **SECTION 2.** ORS 433.273 is amended to read:

20 433.273. The Oregon Health Authority shall adopt rules pertaining to the implementation of ORS
21 433.235 to 433.284, which shall include, but need not be limited to:

22 (1) The definition of “restrictable” disease;

23 (2) The required immunization against diseases, including rubella, considered to be dangerous
24 to the public health under ORS 433.267;

25 (3) The time schedule for immunization;

26 (4) The approved means of immunization;

27 (5) The procedures and time schedule whereby children may be excluded from attendance in
28 schools or facilities, including service of notice to parents;

29 (6) The manner in which immunization records for children are established, evaluated and
30 maintained;

31 (7) The exempted schools and children’s facilities; *[and]*

32 (8) The implementation of ORS 433.282 and 433.283[.];

33 **(9) The process for approving a vaccine educational module;**

34 **(10) Criteria for a vaccine educational module, including the requirement that a vaccine**
35 **educational module present information that is consistent with information published by the**
36 **Centers for Disease Control and Prevention concerning:**

37 **(a) Epidemiology;**

38 **(b) The prevention of disease through the use of vaccinations; and**

39 **(c) The safety and efficacy of vaccines; and**

40 **(11) Documentation required to verify completion of a vaccine educational module, in-**
41 **cluding the qualifications of persons who may certify the completion.**

42 **SECTION 3.** ORS 433.284 is amended to read:

43 433.284. Private schools, children’s facilities and post-secondary educational institutions may
44 adopt additional or more stringent requirements as long as *[medical and religious]* exemptions are
45 included and the requirements are in compliance with the United States Public Health Service Ad-

visory Committee on Immunization Practices recommendations.

SECTION 4. ORS 433.102 is amended to read:

433.102. (1) Nothing in ORS 433.090 to 433.102 is intended to affect the responsibility of a parent or guardian to have a child of that parent or guardian properly immunized.

(2) Nothing in ORS 433.090 to 433.102 is intended to require immunization or tracking of any child otherwise exempt from immunization requirements under ORS 433.267 [(1)(b) or (c)] (1)(a)(B) to (D).

SECTION 5. The amendments to ORS 433.267 by section 1 of this 2013 Act apply to a child who, on or after the operative date specified in section 6 of this 2013 Act:

(1) Enters kindergarten or a children's facility;

(2) Transfers to a school or children's facility if the school or children's facility does not have on a file a statement that complied with ORS 433.267 (1)(c) before the operative date specified in section 6 of this 2013 Act; or

(3) Changes or resubmits a statement:

(a) That is currently on file at a school or children's facility; and

(b) That complied with ORS 433.267 (1)(c) before the operative date specified in section 6 of this 2013 Act.

SECTION 6. (1) The amendments to ORS 433.102, 433.267, 433.273 and 433.284 by sections 1 to 4 of this 2013 Act become operative on March 1, 2014.

(2) The Oregon Health Authority may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the authority by the amendments to ORS 433.102, 433.267, 433.273 and 433.284 by sections 1 to 4 of this 2013 Act.

SECTION 7. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.