

Enrolled Senate Bill 132

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CHAPTER

AN ACT

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

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

SECTION 1. ORS 433.267 is amended to read:

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

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

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

[(c) A statement signed by the parent that the child has not been immunized as described in paragraph (a) of this subsection because the child is being reared as an adherent to a religion the teachings of which are opposed to such immunization.]

(c) **A document, on a form prescribed by the authority by rule and signed by the parent of the child, stating that the parent is declining one or more immunizations on behalf of the child. A document submitted under this paragraph:**

(A) May include the reason for declining the immunization, including whether the parent is declining the immunization because of a religious or philosophical belief; and

(B) Must include either:

(i) A signature from a health care practitioner verifying that the health care practitioner has reviewed with the parent information about the risks and benefits of immunization that is consistent with information published by the Centers for Disease Control and Prevention and the contents of the vaccine educational module approved by the authority pursuant to rules adopted under ORS 433.273; or

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

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

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

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

(4) The administrator shall conduct a primary evaluation of the records submitted pursuant to subsection (1) of this section to determine whether the child is entitled to begin attendance by reason of having submitted a *[statement]* **document** that complies with the requirements of subsection (1) of this section.

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

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

(7) The local health department shall provide for a secondary evaluation of the records to determine whether the child should be excluded for noncompliance with the requirements stated in subsection (1)(a) or (b) of this section. If the child is determined to be in noncompliance, the local health department shall issue an exclusion order and shall send copies of the order to the parent or the person who is emancipated or has reached the age of majority and the administrator. On the effective date of the order, the administrator shall exclude the child from the school or facility and not allow the child to attend the school or facility until the requirements of this section have been met.

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

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

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

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

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

(13) As used in this section:

(a) "Newly entering child" means a child who is initially attending:

(A) A facility in this state;

(B) A school at the entry grade level;

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

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

(b) "Transferring child" means a child moving from:

(A) One facility to another facility;

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

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

SECTION 2. ORS 433.273 is amended to read:

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

- (1) The definition of “restrictable” disease;
- (2) The required immunization against diseases, including rubella, considered to be dangerous to the public health under ORS 433.267;
- (3) The time schedule for immunization;
- (4) The approved means of immunization;
- (5) The procedures and time schedule whereby children may be excluded from attendance in schools or facilities, including service of notice to parents;
- (6) The manner in which immunization records for children are established, evaluated and maintained;
- (7) The exempted schools and children’s facilities; [and]
- (8) The implementation of ORS 433.282 and 433.283[.];
- (9) The process for approving a vaccine educational module;**
- (10) Criteria for a vaccine educational module, including the requirement that a vaccine educational module present information that is consistent with information published by the Centers for Disease Control and Prevention concerning:**
 - (a) Epidemiology;**
 - (b) The prevention of disease through the use of vaccinations; and**
 - (c) The safety and efficacy of vaccines; and**
- (11) Documentation required to verify completion of a vaccine educational module, including the qualifications of persons who may certify the completion.**

SECTION 3. ORS 433.284 is amended to read:

433.284. Private schools, children’s facilities and post-secondary educational institutions may adopt additional or more stringent requirements as long as [medical and religious] exemptions are included and the requirements are in compliance with the United States Public Health Service Advisory Committee on Immunization Practices recommendations.

SECTION 4. 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 5 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 5 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 5 of this 2013 Act.**

SECTION 5. (1) The amendments to ORS 433.267, 433.273 and 433.284 by sections 1 to 3 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 433.267, 433.273 and 433.284 by sections 1 to 3 of this 2013 Act.

SECTION 6. 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.

Passed by Senate June 6, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 19, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State