

# House Bill 3353

Sponsored by Representative KENNEMER

## 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 **as introduced**.

Directs education providers to mail written notice before conducting dental screening on students at location associated with education provider. Prescribes contents of notice. Allows parent or legal guardian of student to request to not participate in dental screening.

Takes effect on July 1, 2018.

## A BILL FOR AN ACT

1  
2 Relating to dental screenings; creating new provisions; amending ORS 336.213; and prescribing an  
3 effective date.

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

5 **SECTION 1.** ORS 336.213 is amended to read:

6 336.213. (1) As used in this section:

7 (a) "Dental screening" means a dental screening test to identify potential dental health problems  
8 that is conducted by:

9 (A) A dentist licensed under ORS chapter 679;

10 (B) A dental hygienist licensed under ORS 680.010 to 680.205;

11 (C) A health care practitioner who is acting in accordance with rules adopted by the State  
12 Board of Education; or

13 (D) A person who:

14 (i) Is one of the following:

15 (I) An employee of an education provider; or

16 (II) Trained in accordance with guidelines established by the dental director appointed by the  
17 Oregon Health Authority; and

18 (ii) Is acting in accordance with rules adopted by the State Board of Education in collaboration  
19 with the dental director appointed by the Oregon Health Authority.

20 (b) "Education provider" means:

21 (A) An entity that offers a program that is recognized as an Oregon prekindergarten program  
22 under ORS 329.170 to 329.200.

23 (B) A school district board.

24 (2)(a) Except as provided in subsection [(3)] (4) of this section, each education provider shall  
25 require a student who is seven years of age or younger and who is beginning an educational pro-  
26 gram with the education provider for the first time to submit certification that the student received  
27 a dental screening within the previous 12 months.

28 (b) The certification required by this subsection:

29 (A) Must be provided no later than 120 days after the student begins the educational program.

30 (B) May be provided by a person identified in subsection (1)(a) of this section who conducts the

**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 dental screening at a location not associated with the education provider or who conducts regular  
2 dental screenings of the student.

3 **(3)(a) If an education provider causes a dental screening to be conducted at a location**  
4 **associated with the education provider, the education provider must mail a written notice**  
5 **at least two weeks prior to the dental screening to the last-known address of every student**  
6 **who may be receiving the dental screening.**

7 **(b) The written notice required under paragraph (a) of this subsection must:**

8 **(A) Explain that the parent or legal guardian of the student has the right to:**

9 **(i) Request in writing that the student not participate in the dental screening; or**

10 **(ii) Request orally on the day of the dental screening that the student not participate in**  
11 **the dental screening;**

12 **(B) Explain who will conduct the dental screening and who will have access to the results**  
13 **of the screening; and**

14 **(C) Include any other information required by the State Board of Education by rule.**

15 [(3)] **(4) A student is not required to submit certification as required under subsection (2) of this**  
16 **section if the student provides a statement from the parent or guardian of the student that:**

17 **(a) The student submitted certification to a prior education provider;**

18 **(b) The dental screening is contrary to the religious beliefs of the student or the parent or**  
19 **guardian of the student; [or]**

20 **(c) The parent or guardian of the student requested that the student not participate in**  
21 **the dental screening as provided by subsection (3) of this section; or**

22 [(c)] **(d) The dental screening is a burden, as defined by the State Board of Education by rule,**  
23 **for the student or the parent or guardian of the student.**

24 [(4)] **(5) Each education provider shall:**

25 **(a) File in the student's dental health record any certifications and any results of a dental**  
26 **screening known by the education provider.**

27 **(b) Provide the parent or guardian of each student with information about:**

28 **(A) The dental screenings;**

29 **(B) Further examinations or necessary treatments; and**

30 **(C) Preventive care, including fluoride varnish, sealants and daily brushing and flossing.**

31 [(5)] **(6) The dental director appointed by the Oregon Health Authority shall develop standard-**  
32 **ized information described in subsection [(4)(b)] (5)(b) of this section for distribution by education**  
33 **providers.**

34 [(6)(a)] **(7)(a) No later than October 1 each year, each school district shall submit to the De-**  
35 **partment of Education a report that identifies the percentage of students who failed to submit the**  
36 **certification required under this section for the previous school year.**

37 **(b) No later than December 1 each year, the department shall summarize the reports received**  
38 **under paragraph (a) of this subsection and submit the summary to the interim legislative committees**  
39 **on education and to the dental director appointed by the Oregon Health Authority.**

40 [(7)] **(8) The State Board of Education, in consultation with the Oregon Health Policy Board and**  
41 **the Oregon Board of Dentistry, shall adopt by rule any standards for the implementation of this**  
42 **section.**

43 **(9) Nothing in this section authorizes an education provider to require a student to re-**  
44 **ceive a dental screening at any time when the student is eight years of age or older without**  
45 **first receiving written consent from the parent or legal guardian of the student if the stu-**

1 **dent is younger than 14 years of age, or from the student if the student is 14 years of age**  
2 **or older.**

3 **SECTION 2. The amendments to ORS 336.213 by section 1 of this 2017 Act first apply to**  
4 **the 2018-2019 school year.**

5 **SECTION 3. This 2017 Act takes effect on July 1, 2018.**

6

---