

HB 3063 A STAFF MEASURE SUMMARY

House Committee On Health Care

Action Date: 03/14/19

Action: Do pass with amendments
and be referred to Ways and Means by prior reference. (Printed A-Eng.)

Vote: 7-4-0-0

Yeas: 7 - Alonso Leon, Greenlick, Keny-Guyer, Mitchell, Nosse, Prusak, Salinas

Nays: 4 - Boles, Drazan, Hayden, Noble

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/28, 3/14

WHAT THE MEASURE DOES:

Removes the ability of a parent or legal guardian to decline, on behalf of a child, immunizations required to enroll in school or child care for a reason other than a child's medical diagnosis. Removes the allowance, as a condition of attendance in any Oregon school or children's facility, for a parent to decline one or more immunizations on behalf of their child. Allows a child not immunized for a reason other than a medical diagnosis to attend an online education program. Requires such a child to submit to the administrator of the school providing the online program a document stating that the child is not immunized. Prohibits child not immunized for a reason other than a medical diagnosis from attending school-related activities in person when the child will share physical space with other individuals. Directs the Oregon Health Authority (OHA) to establish an outreach and education plan around immunizations and "restrictable" diseases in schools and children's facilities. Defines "restrictable" disease to mean diphtheria, tetanus, pertussis, polio, measles, rubella, mumps, haemophilus influenzae type b, hepatitis A and B, and varicella. Allows a child who is not immunized and has not provided documentation of a medical diagnosis exemption to continue to attend school until August 1, 2020.

ISSUES DISCUSSED:

- Vaccination rates in Oregon among school-aged children
- Medical, religious, and philosophical exemptions to vaccinations in Oregon; vaccine exemptions in other states
- Permanent and temporary vaccination exemptions; exemption process, role of health professionals and local health authorities in deciding a medical exemption for one or more vaccinations
- Recent measles outbreak in Southwest Washington and Oregon
- Community or herd immunity for vaccine-preventable diseases
- Eradication or near-eradication of vaccine-preventable diseases in the United States
- Safety and efficacy of vaccines in the United States; public health risks due to unvaccinated children; risks to immune-compromised people if unvaccinated
- Vaccination schedule for required vaccines and age of child; delay in receipt of vaccinations simultaneous versus delayed, and number of injections required to be compliant with proposed number of vaccinations
- Access to services at school-based health centers for unvaccinated children including accessibility for the purpose of receiving required vaccinations
- Parents' right to make medical decisions for children; informed consent and a patient's right to be informed about the potential risks from vaccinations
- National Child Vaccine Injury Act (1986), the Vaccine Adverse Event Reporting System (VAERS); manufacturer liability exemption for vaccination-related injuries per federal law and compensation funds
- Proposed amendments including number of children in Oregon potentially affected by the proposed amendments

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- Attendance at school-related activities by unvaccinated children; ability of unvaccinated children to participate in school-based activities, on school grounds, offsite, or in public spaces, and the number of vaccinations required to attend school in-person or school-related activities
- Possible technological changes to immunization reporting system, if measure is implemented
- Federal Individuals with Disabilities Education Act, requirements related to free and appropriate education for students
- Existing state law regarding the enrollment cap for online public charter schools
- Federal case law on religious liberty and state-mandated vaccinations to attend school

EFFECT OF AMENDMENT:

Removes the allowance, as a condition of attendance in any Oregon school or children's facility, for a parent to decline one or more immunizations on behalf of their child. Allows a child not immunized for a reason other than a medical diagnosis to attend an online education program. Requires such a child to submit to the administrator of the school providing the online program a document stating that the child is not immunized. Prohibits child not immunized for a reason other than a medical diagnosis from attending school-related activities in person when the child will share physical space with other individuals. Directs OHA to establish an outreach and education plan around immunizations and "restrictable" diseases in schools and children's facilities. Defines "restrictable" disease to mean diphtheria, tetanus, pertussis, polio, measles, rubella, mumps, haemophilus influenzae type b, hepatitis A and B, and varicella. Allows a child who is not immunized and has not provided documentation of a medical diagnosis exemption, to continue to attend school until August 1, 2020.

BACKGROUND:

The Centers for Disease Control and Prevention (CDC) set the advised U.S. childhood immunization schedule based on recommendations from the Advisory Committee on Immunization Practices. Immunization refers to the process of being vaccinated and developing an immunity to one or more diseases. The CDC determines the schedule based on severity of diseases, safety and efficacy of vaccines at various ages, and how many children could contract a disease without the vaccine.

According to the National Conference of State Legislatures, all 50 states have laws requiring specified vaccines for students related to school entry requirements, with all states allowing exemptions for medical reasons. Forty-seven states have non-medical exemptions on religious grounds, and 17 states allow exemptions for personal or philosophical beliefs. Currently, Oregon allows both medical and non-medical exemptions. A number of states, including Oregon, require parental education during the exemption process about the benefits of vaccination and the risks of opting out.

As a condition of attending any school in Oregon, every child through grade 12 is required to be immunized against 11 vaccine-preventable diseases: diphtheria, tetanus, pertussis, polio, measles, mumps, rubella, varicella, hepatitis A and B, and haemophilus influenzae type b (Hib). For a child to be exempt from all or part of the immunization requirements, a parent or guardian of a child enrolled in a public, private, or charter school must provide one of the following:

- certification of immunizations received;
- a statement that a child should be exempted due to medical diagnosis as the child has a medical condition that puts them at risk of harm; or
- a statement to decline one or more immunizations for non-medical purposes.

The document to decline immunizations for non-medical purposes may include reasons for declining the immunization (e.g., religious or philosophical belief) and must include either a signature from a health care practitioner verifying that they have reviewed information with the parent about risks, benefits, and the contents of a vaccine educational module, or a certificate verifying the parent has completed the vaccine education module. This educational component has been required for non-medical exemptions in Oregon since 2013. Oregon law also allows immunity documentation, which is a written, signed document from a physician stating

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that a child does not need to receive one or more specific immunizations because the child already contracted a disease or had a blood test indicating immunity.

House Bill 3063-A removes non-medical exemptions for vaccinations required for school-aged children in Oregon.