

House Bill 2783

Sponsored by Representatives WILDE, SCHOUTEN

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**.

Requires parent who declines immunization for child to submit to administrator document including health care practitioner signature verifying practitioner reviewed immunization information with parent and certificate verifying parent completed vaccine educational module as condition of child's attendance at school or other children's facility.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to immunizations; creating new provisions; amending ORS 433.267; and prescribing an ef-
3 fective date.

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) As a condition of attendance in any school or children's facility in this state, every
7 child through grade 12 shall submit to the administrator, unless the school or facility the child at-
8 tends already has on file a record that indicates that the child has received immunizations against
9 the restrictable diseases prescribed by rules of the Oregon Health Authority as provided in ORS
10 433.273, one of the following:

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

14 (b) A document signed by a physician or a representative of the local health department stating
15 that the child should be exempted from receiving specified immunization because of indicated med-
16 ical diagnosis; or

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

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

22 (B) Must include *[either]*:

23 (i) A signature from a health care practitioner verifying that the health care practitioner has
24 reviewed with the parent information about the risks and benefits of immunization that is consistent
25 with information published by the Centers for Disease Control and Prevention and the contents of
26 the vaccine educational module approved by the authority pursuant to rules adopted under ORS
27 433.273; *[or]* **and**

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

30 (2)(a) A newly entering child or a transferring child shall be required to submit the document

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 described in subsection (1) of this section prior to attending the school or facility.

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

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

8 (4) The administrator shall conduct a primary evaluation of the records submitted pursuant to
9 subsection (1) of this section to determine whether the child is entitled to begin attendance by rea-
10 son of having submitted a document that complies with the requirements of subsection (1) of this
11 section.

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

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

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

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

29 (9) The administrator shall be responsible for updating the document described in subsection
30 (1)(a) of this section as necessary to reflect the current status of the immunization of the child and
31 the time at which the child comes into compliance with immunizations against the restrictable dis-
32 eases prescribed by rules of the authority pursuant to ORS 433.273.

33 (10) Nothing in this section shall be construed as relieving agencies, in addition to school dis-
34 tricts, which are involved in the maintenance and evaluation of immunization records on April 27,
35 1981, from continuing responsibility for these activities.

36 (11) All documents required by this section shall be on forms approved or provided by the au-
37 thority.

38 (12) In lieu of signed documents from practitioners, the authority may accept immunization re-
39 cord updates using practitioner documented immunization records generated by electronic means or
40 on unsigned practitioner letterhead if the authority determines such records are accurate.

41 (13) As used in this section:

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

43 (A) A facility in this state;

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

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

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

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

4 (A) One facility to another facility;

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

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

8 **SECTION 2. (1) The amendments to ORS 433.267 by section 1 of this 2019 Act become**
9 **operative on January 1, 2020.**

10 **(2) The Oregon Health Authority may take any action before the operative date specified**
11 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**
12 **after the operative date specified in subsection (1) of this section, all of the duties, functions**
13 **and powers conferred on the authority by the amendments to ORS 433.267 by section 1 of this**
14 **2019 Act.**

15 **SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**
16 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

17