

Senate Bill 628

Sponsored by Senator BOQUIST (at the request of Stacy Cayce)

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 that post-secondary institution of education that requires students to receive immunizations accept from student who declines immunization certification that student has completed vaccine educational module. Directs Oregon Health Authority to approve vaccine educational module for each required immunization.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to immunizations for post-secondary institutions of education; creating new provisions;
3 amending ORS 433.235, 433.281, 433.282, 433.283 and 433.284; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 433.235 to**
6 **433.284.**

7 **SECTION 2. (1) A post-secondary institution of education that requires full-time students**
8 **to be immunized, as required for children attending school pursuant to rules adopted by the**
9 **Oregon Health Authority under ORS 433.273, shall accept in lieu of a document certifying**
10 **that a student has received the required immunizations a certificate verifying that the stu-**
11 **dent has declined one or more immunizations and has completed, for each immunization**
12 **declined, a vaccine educational module approved by the authority pursuant to rules adopted**
13 **under ORS 433.273.**

14 **(2) The authority shall approve a vaccine educational module for each immunization re-**
15 **quired by a post-secondary institution of education.**

16 **SECTION 3. ORS 433.235 is amended to read:**

17 433.235. As used in ORS 433.235 to 433.284:

18 (1) "Administrator" means the principal or other person having general control and supervision
19 of a school or children's facility.

20 (2) "Children's facility" or "facility" means:

21 (a) A certified child care facility as described in ORS 329A.030 and 329A.250 to 329A.450, except
22 as exempted by rule of the Oregon Health Authority;

23 (b) A program operated by, or sharing the premises with, a certified child care facility, school
24 or post-secondary institution where care is provided to children, six weeks of age to kindergarten
25 entry, except as exempted by rule of the authority; or

26 (c) A program providing child care or educational services to children, six weeks of age to
27 kindergarten entry, in a residential or nonresidential setting, except as exempted by rule of the au-
28 thority.

29 (3) "Local health department" has the meaning given that term in ORS 431.003.

30 (4) "Parent" means a parent or guardian of a child or any adult responsible for the child.

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 (5) "Physician" means a physician licensed by the Oregon Medical Board or by the Oregon
2 Board of Naturopathic Medicine or a physician similarly licensed by another state or country in
3 which the physician practices or a commissioned medical officer of the Armed Forces or Public
4 Health Service of the United States.

5 **(6) "Post-secondary institution of education" means:**

6 **(a) A public university listed in ORS 352.002;**

7 **(b) A community college operated under ORS chapter 341; or**

8 **(c) An Oregon-based, generally accredited, private institution of higher education.**

9 [(6)] (7) "School" means a public, private, parochial, charter or alternative educational program
10 offering kindergarten through grade 12 or any part thereof, except as exempted by rule of the au-
11 thority.

12 **SECTION 4.** ORS 433.281 is amended to read:

13 433.281. [(1) As used in this section, "post-secondary institution of education" means:]

14 [(a) A public university listed in ORS 352.002;]

15 [(b) A community college operated under ORS chapter 341; or]

16 [(c) An Oregon-based, generally accredited, private institution of higher education.]

17 [(2)] (1) Each post-secondary institution of education that provides housing for students shall
18 provide to each student enrolling or registering at the institution for the first time information on
19 vaccine-preventable diseases known to occur in individuals between 16 and 21 years of age, includ-
20 ing:

21 (a) The signs and symptoms associated with, and options for treating, vaccine-preventable dis-
22 eases known to occur in individuals between 16 and 21 years of age;

23 (b) The circumstances that create a risk of acquiring a vaccine-preventable disease known to
24 occur in individuals between 16 and 21 years of age, including the circumstance of living in group
25 quarters;

26 (c) Recommendations by the Centers for Disease Control and Prevention with respect to vac-
27 cines recommended to be categorized as category A or category B by the federal Advisory Com-
28 mittee on Immunization Practices, and vaccines recognized as category A or category B by the
29 Centers for Disease Control and Prevention;

30 (d) Any additional information on the availability, benefits and risks and limitations of vaccines
31 for vaccine-preventable diseases known to occur in individuals between 16 and 21 years of age, as
32 determined by the institution; [and]

33 (e) Information on where to receive a vaccination; **and**

34 **(f) Information on how to access a vaccine educational module approved by the Oregon**
35 **Health Authority by rule pursuant to ORS 433.273 that contains information about the risks**
36 **and benefits of immunizations that is consistent with information published by the Centers**
37 **for Disease Control and Prevention.**

38 [(3)] (2) At a minimum, information provided under subsection [(2)] (1) of this section must cover
39 vaccine-preventable diseases for which the Centers for Disease Control and Prevention recommend
40 vaccination for individuals between 16 and 21 years of age.

41 [(4)] (3) In developing information on vaccine-preventable diseases under this section, a post-
42 secondary institution of education shall consult the [*Oregon Health*] authority or the Centers for
43 Disease Control and Prevention.

44 [(5)] (4) If a post-secondary institution of education provides electronic enrollment or registra-
45 tion for students enrolling or registering at the institution for the first time, the institution shall

1 provide the information required by this section electronically at the time of enrollment or regis-
2 tration.

3 [(6)] (5) This section does not create a private right of action against a post-secondary institu-
4 tion of education.

5 **SECTION 5.** ORS 433.282 is amended to read:

6 433.282. (1) **Except as provided in section 2 of this 2019 Act**, the Oregon Health Authority
7 may require each post-secondary [*educational*] institution **of education**, except a community college
8 or a career school, to require, using procedures developed by the institution, each full-time student
9 to be immunized, as required for children attending school pursuant to rules adopted by the au-
10 thority under ORS 433.273, before the student's second quarter or semester of enrollment on the
11 campus of the institution.

12 (2) Notwithstanding subsection (1) of this section, the authority may require each post-secondary
13 [*educational*] institution **of education**, except a community college or a career school, to document,
14 using procedures developed by the institution, that each full-time student has been immunized **or**
15 **has submitted a certificate described in section 2 of this 2019 Act**, as required for children at-
16 tending school pursuant to rules adopted by the authority under ORS 433.273, before the student
17 attends classes if the student will be attending the institution pursuant to a nonimmigrant visa.

18 (3) The authority by rule shall establish immunization schedules for purposes of this section.

19 (4) The authority by rule may limit the students and programs to which the requirements of this
20 section apply.

21 (5) The authority may conduct validation surveys to ensure compliance with the requirements
22 of this section.

23 **SECTION 6.** ORS 433.283 is amended to read:

24 433.283. (1) The Oregon Health Authority may require each community college to require that
25 students involved in clinical experiences in allied health programs, practicum experiences in edu-
26 cation and child care programs and membership on intercollegiate sports teams have current im-
27 munizations for measles, **or to submit a certificate described in section 2 of this 2019 Act**, prior
28 to each student's participation. The requirement shall apply only to those students born on or after
29 January 1, 1957.

30 (2) The Higher Education Coordinating Commission by rule shall define clinical experiences in
31 allied health programs, practicum experiences in education and child care programs and membership
32 on intercollegiate sports teams at the community colleges. The [*Oregon Health*] authority by rule
33 shall establish immunization schedules and may further limit the students and programs to which
34 the requirement applies. Each community college shall develop procedures to implement and main-
35 tain this requirement.

36 (3) The authority may conduct validation surveys to ensure compliance with this section. Com-
37 munity colleges shall be required to keep immunization records, **including any certificates**, only
38 while the student is involved in the program.

39 **SECTION 7.** ORS 433.284 is amended to read:

40 433.284. Private schools, children's facilities and post-secondary [*educational*] institutions **of ed-**
41 **ucation** may adopt additional or more stringent requirements as long as exemptions are included
42 and the requirements are in compliance with the United States Public Health Service Advisory
43 Committee on Immunization Practices recommendations.

44 **SECTION 8. Section 2 of this 2019 Act and the amendments to ORS 433.235, 433.281,**
45 **433.282, 433.283 and 433.284 by sections 3 to 7 of this 2019 Act apply to students enrolled in a**

1 community college and to students who are enrolled as full-time students in a post-secondary
2 institution of education other than a community college on or after the operative date
3 specified in section 9 of this 2019 Act.

4 **SECTION 9.** (1) Section 2 of this 2019 Act and the amendments to ORS 433.235, 433.281,
5 433.282, 433.283 and 433.284 by sections 3 to 7 of this 2019 Act become operative on August
6 1, 2019.

7 (2) The Oregon Health Authority may take any action before the operative date specified
8 in subsection (1) of this section that is necessary to enable the authority to exercise, on and
9 after the operative date specified in subsection (1) of this section, all of the duties, functions
10 and powers conferred on the authority by section 2 of this 2019 Act and the amendments to
11 ORS 433.235, 433.281, 433.282, 433.283 and 433.284 by sections 3 to 7 of this 2019 Act.

12 **SECTION 10.** This 2019 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
14 on its passage.

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