

**Senator Margaret Dayton** proposes the following substitute bill:

**IMMUNIZATION OF STUDENTS AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carol Spackman Moss**

Senate Sponsor: Brian E. Shiozawa

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**LONG TITLE**

**General Description:**

This bill amends provisions related to immunization requirements for students.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends requirements for an exemption from required immunizations;
- ▶ requires the Department of Health to:
  - develop an immunization exemption form;
  - provide an immunization exemption form, free of charge, online and at local health departments;
  - develop an education module; and
  - make rules;
- ▶ requires an individual who intends to receive an immunization exemption form online to complete an education module;
- ▶ enacts renewal requirements for an exemption from required immunizations;
- ▶ requires a school to maintain a list of students who have not received required immunizations;



- 26 ▶ amends provisions related to a conditional enrollment; and
- 27 ▶ makes technical and conforming changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **26-1-17.5**, as last amended by Laws of Utah 2008, Chapter 382

35 **53A-11-303**, as enacted by Laws of Utah 1988, Chapter 2

36 **53A-11-304**, as enacted by Laws of Utah 1988, Chapter 2

37 ENACTS:

38 **53A-11-300.5**, Utah Code Annotated 1953

39 REPEALS AND REENACTS:

40 **53A-11-301**, as last amended by Laws of Utah 1992, Chapter 53

41 **53A-11-302**, as last amended by Laws of Utah 2010, Chapter 395

42 **53A-11-302.5**, as enacted by Laws of Utah 1992, Chapter 129

43 **53A-11-306**, as enacted by Laws of Utah 1988, Chapter 2



45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **26-1-17.5** is amended to read:

47 **26-1-17.5. Confidential records.**

48 (1) A record classified as confidential under this title shall remain confidential, and be  
49 released according to the provisions of this title, notwithstanding Section **63G-2-310**.

50 (2) In addition to those persons granted access to ~~[records]~~ a private record described in  
51 Subsection **63G-2-302(1)(b)**, immunization records may be shared among schools, school  
52 districts, and local and state health departments and the state Department of Human Services as  
53 necessary to ~~[assure]~~ ensure compliance with ~~[Section **53A-11-301**]~~ Title 53A, Chapter 11, Part  
54 3, Immunization of Students, and to prevent, investigate, and control the causes of epidemic,  
55 infectious, communicable, and other diseases affecting the public health.

56 Section 2. Section **53A-11-300.5** is enacted to read:

57 53A-11-300.5. Definitions.58 As used in this part:59 (1) "Certificate of immunization" means:60 (a) a certification stating that a student received each required immunization, including61 the date each immunization was administered, issued by:62 (i) a licensed health care provider;63 (ii) an authorized representative of a local health department; or64 (iii) an authorized representative of the department; or65 (b) verification from the department, through a central database, that a student has66 received each required immunization, including the date each immunization was administered.67 (2) "Department" means the Department of Health, created in Section [26-1-4](#).68 (3) "Immunization exemption form" means a form, described in Section [53A-11-302.5](#),69 that exempts a student from one or more required immunizations.70 (4) "Local education agency" or "LEA" means:71 (a) a school district;72 (b) a charter school; or73 (c) the Utah Schools for the Deaf and the Blind.74 (5) "Required immunizations" means immunizations against communicable diseases75 required by department rule described in Section [53A-11-303](#).76 (6) "School" means:77 (a) a public school as defined in Section [26-39-102](#);78 (b) center-based child care as defined in Section [26-39-102](#);79 (c) residential child care, as defined in Section [26-39-102](#); or80 (d) a private school that:81 (i) is not primarily funded at public expense; and82 (ii) provides education to students in any grade from kindergarten through grade 12.83 (7) "Student" means an individual who attends a school.84 Section 3. Section [53A-11-301](#) is repealed and reenacted to read:85 **53A-11-301. Certificate of immunization required -- Exceptions**  $\hat{S} \rightarrow$  [== **Weighted pupil**  
86 **unit funding**]  $\leftarrow \hat{S}$  .87 (1)  $\hat{S} \rightarrow$  [(a)]  $\leftarrow \hat{S}$  Except as provided in Subsection  $\hat{S} \rightarrow$  [(1)(b)] (2)  $\leftarrow \hat{S}$  , a student may not  
87a attend a school

88 unless there is presented to the appropriate official of the school a certificate of immunization  
 89 for the student.

90 ~~§~~ → [(b)] (2) ← ~~§~~ A student who does not have a certificate of immunization may attend a  
 90a school if  
 91 the student:

92 ~~§~~ → [(i)] (a) ← ~~§~~ is exempt as described in Section [53A-11-302](#);

93 ~~§~~ → [(ii)] (b) ← ~~§~~ qualifies for conditional enrollment under Section [53A-11-306](#); or

94 ~~§~~ → [(iii)] (c) ← ~~§~~ meets:

95 ~~§~~ → [(A)] (i) ← ~~§~~ the definition of a student under Section [53A-1-1001](#); and

96 ~~§~~ → [(B)] (ii) ← ~~§~~ the immunization requirements for military children under Section  
 96a [53A-1-1001](#).

97 ~~§~~ → [(2)] ~~An LEA may not receive weighted pupil unit money for a student unless the~~  
 98 ~~student:~~

99 ~~— (a) has a certificate of immunization; or~~

100 ~~— (b) is allowed to attend the LEA without a certificate of immunization as described in~~  
 101 ~~Subsection (1)(b).] ← ~~§~~~~

102 Section 4. Section [53A-11-302](#) is repealed and reenacted to read:

103 **[53A-11-302](#). Exemption from required immunizations.**

104 A student is exempt from receiving required immunizations if, subject to the renewal  
 105 requirement described in Subsection [53A-11-302.5](#)(4), the student's parent or legal guardian  
 106 presents to the appropriate official of the student's school:

107 (1) for an exemption for a medical reason:

108 (a) a certificate from a licensed healthcare provider stating that due to the physical  
 109 condition of the student, a required immunization would endanger the student's life or health;  
 110 and

111 (b) an immunization exemption form described in Section [53A-11-302.5](#); or

112 (2) for an exemption for a personal or religious belief, an immunization exemption  
 113 form described in Section [53A-11-302.5](#).

114 Section 5. Section [53A-11-302.5](#) is repealed and reenacted to read:

115 **[53A-11-302.5](#). Immunization exemption form -- Online education module --**  
 116 **Renewal requirement.**

117 (1) The department shall:

118 (a) with input from local health departments, develop an immunization exemption

119 form that:  
120 (i) specifies if an exemption is for a medical reason, a personal belief, or a religious  
121 belief;  
122 (ii) indicates that for a student to receive an exemption from required immunizations,  
123 an individual described in Section (1)(a)(v) shall:  
124 (A) present an immunization exemption form the first time an exemption is sought;  
125 and  
126 (B) renew the student's exemption once every five years;  
127 (iii) states the department's position regarding the benefits of immunization;  
128 (iv) states policies for a student who has not received required immunizations, in the  
129 event of an outbreak of a vaccine preventable illness;  
130 (v) includes a statement claiming exemption from one or more required  
131 immunizations, signed by:  
132 (A) a student's parent or legal guardian;  
133 (B) for a student who does not have a parent or legal guardian, the student's sibling of  
134 legal age; or  
135 (C) for a student 18 years of age or older, the student;  
136 (vi) includes the name and address of the individual who signs the form;  
137 (vii) includes the name of the student claiming exemption from one or more required  
138 immunizations; and  
139 (viii) includes the name of the school the student attends at the time the form is signed;  
140 and  
141 (b) make the immunization exemption form available to the public, free of charge:  
142 (i) online, for an individual who completes the online education module described in  
143 Subsection (2); and  
144 (ii) in hard copy at local health departments.  
145 (2) (a) The department shall develop an online education module that:  
146 (i) is intended to take 20 minutes or less to complete;  
147 (ii) includes:  
148 (A) information about vaccine preventable illnesses;  
149 (B) recommendations to reduce the likelihood of an unvaccinated individual

150 contracting or transmitting a vaccine preventable illness;

151 (C) information, based on the best available science, about vaccine benefits and side  
152 effects;

153 (D) interactive questions or activities; and

154 (E) for an individual who completes the module, an immunization exemption form.

155 (b) An individual who intends to exempt a student from required immunizations by  
156 obtaining an immunization exemption form online is required to complete the online education  
157 module described in Subsection (2)(a) once every 5 years, regardless of how many students the  
158 individual exempts from required immunizations.

159 (c) In developing the online education module, the department shall consult with  
160 individuals interested in vaccination requirements, including individuals from organizations for  
161 healthcare professionals.

162 (3) (a) In order to exempt a student from required immunizations, an individual  
163 described in Subsection (1)(a)(v) shall present to the student's school an immunization  
164 exemption form, which the individual can obtain by:

165 (i) completing the online education module described in Subsection (2) within the  
166 previous 5 years; or

167 (ii) going to a local health department in person.

168 (b) A local health department may not require an individual to complete the online  
169 education module described in Subsection (2) in order to receive an immunization exemption  
170 form in person.

171 (4) (a) A student's exemption from required immunizations is subject to the renewal  
172 requirements described in Subsection (4)(b).

173 (b) In order to renew a student's exemption from required immunizations, an individual  
174 described in Subsection (1)(a)(v) shall, once every five years, present to the student's school an  
175 immunization exemption form.

176 (c) An LEA may not charge a fee to renew an exemption from required immunizations.

177 (d) An exemption from required immunizations for a student who transfers to or  
178 enrolls in a different school may, subject to the renewal requirements described in Subsection  
179 (4)(b), be transferred to the student's new school if the student's previous school confirms that  
180 the student has an exemption from required immunizations.

181 (5) For a student who has an immunization exemption for the 2016-2017 school year  
 182 or earlier, an individual described in Subsection (1)(a)(v):

183 (a) is not required to obtain a new immunization exemption form; and

184 (b) is subject to the renewal requirements described in Subsection (4)(b).

185 (6) Upon request of a local health department, a school shall provide a copy of a  
 186 student's immunization exemption form to the local health department.

187 Section 6. Section **53A-11-303** is amended to read:

188 **53A-11-303. Department of Health regulations.**

189 (1) [~~The Department of Health~~] In accordance with Title 63G, Chapter 3, Utah  
 190 Administrative Rulemaking Act, the department shall [adopt] make rules to establish:

191 (a) which immunizations are required [and] as a condition for attending school;

192 (b) the manner and frequency of [their] the administration[:] of required

193 immunizations;

194 (c) the immunization exemption form described in Section [53A-11-302.5](#);

195 (d) the online education module described in Section [53A-11-302.5](#); and

196 (e) the requirements for a conditional enrollment described in Section [53A-11-306](#).

197 (2) The rules [~~adopted~~] made under Subsection (1) shall:

198 (a) conform to recognized standard medical practices[:]; and

199 [(3) The rules shall]

200 (b) require [the reporting of] a school to report statistical information and names of

201 [noncompliers by the schools] students who are not in compliance with Section [53A-11-301](#) to  
 202 the department.

203 Section 7. Section **53A-11-304** is amended to read:

204 **53A-11-304. Certificate part of student's record -- Forms for certificates --**

205 **Recording of immunization record as official certificate -- School record of noncertificate**  
 206 **holders.**

207 (1) [~~Each~~] A school shall retain an official [certificates] certificate of immunization for  
 208 [every] an enrolled student[:. The certificate becomes a] that is part of the [individual] student's  
 209 permanent school record [and follows the student through his or her public or private school  
 210 career].

211 (2) The [~~Department of Health shall provide official certificate of immunization forms~~]

212 ~~to public and private]~~ department shall create an immunization form and distribute the  
213 immunization form to schools, [physicians] health care providers, and local health departments.  
214 [The forms referred to in this subsection shall include a clear statement of the student's rights  
215 under Section 53A-11-302:]

216 ~~[(3) Any immunization record provided by a licensed physician, registered nurse, or~~  
217 ~~public health official may be accepted by a school official as a certificate of immunization if~~  
218 ~~the type of immunization given and the dates given are specified and the]~~

219 (3) (a) A school shall record the information [is transferred to] on a certificate of  
220 immunization as an official certificate of immunization [and verified by the school district in  
221 which the public or private school is located].

222 (b) A school shall verify the information on a certificate of immunization.

223 (4) (a) At the beginning of each school year, a school shall create a list of students who  
224 do not have an official certificate of immunization, noting if a student on the list is allowed to  
225 attend school without a certificate of immunization, under Section 53A-11-301.

226 (b) A school shall provide the list of students described in Subsection (4)(a) to the  
227 principal or other school director each year.

228 (c) A name appearing on the list described in Subsection (4)(a) is subject to  
229 confidentiality requirements described in Section 26-1-17.5 and Section 53A-13-301.

230 Section 8. Section 53A-11-306 is repealed and reenacted to read:

231 **53A-11-306. Conditional enrollment -- Suspension for noncompliance --**

232 **Procedure.**

233 (1) (a) A student who has not received one or more required immunizations may attend  
234 school on a conditional enrollment:

235 (i) if the student has received a dose of each required vaccine, but is not due for the  
236 next dose of the vaccine under department rule described in Section 53A-11-303; or

237 (ii) except as provided in Subsection (1)(b), for up to 21 calendar days after the first  
238 day of school.

239 (b) A student who enrolls in a school on or after the twenty-second calendar day after  
240 the first day of school may attend school on a conditional enrollment for up to 21 calendar days  
241 after the day on which the student enrolls in the school.

242 (2) (a) After the conditional enrollment period, a school shall prohibit further



243 attendance of a student who does not comply with Section 53A-11-301.

244 (b) After five days of a student's conditional enrollment, a school shall mail written  
245 notice to the student's parent, legal guardian, or, if the student does not have a parent or legal  
246 guardian, the student's legal age sibling that:

247 (i) the student will be suspended at the end of the conditional enrollment if the student  
248 is not in compliance with Section 53A-11-301; and

249 (ii) describes the process for obtaining the required immunizations or an exemption  
250 from the required immunizations.

251 **Section 9. Effective date.**

252 This bill takes effect on July 1, 2017.