

Representative Paul Ray proposes the following substitute bill:

IMMUNIZATION OF STUDENTS AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to immunization requirements for students.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends requirements for a student seeking an immunization exemption;
- ▶ requires the Department of Health to:
 - develop an immunization exemption form;
 - develop an education module; and
 - make rules;
- ▶ requires a local health department to issue an immunization exemption form under certain conditions;
- ▶ requires an individual to present a certificate of completion for an education module as a condition for receiving an exemption from required immunizations;
- ▶ enacts renewal requirements for an exemption from immunization;
- ▶ amends requirements for transferring a student's exemption from required immunizations to a new school;
- ▶ requires a school to maintain a list of students who have not received required



26 immunizations;

27 ▶ amends provisions related to a conditional enrollment; and

28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **26-1-17.5**, as last amended by Laws of Utah 2008, Chapter 382

36 **53A-11-303**, as enacted by Laws of Utah 1988, Chapter 2

37 **53A-11-304**, as enacted by Laws of Utah 1988, Chapter 2

38 ENACTS:

39 **53A-11-300.5**, Utah Code Annotated 1953

40 REPEALS AND REENACTS:

41 **53A-11-301**, as last amended by Laws of Utah 1992, Chapter 53

42 **53A-11-302**, as last amended by Laws of Utah 2010, Chapter 395

43 **53A-11-302.5**, as enacted by Laws of Utah 1992, Chapter 129

44 **53A-11-306**, as enacted by Laws of Utah 1988, Chapter 2



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

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

48 **26-1-17.5. Confidential records.**

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

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

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

58 **53A-11-300.5. Definitions.**

59 As used in this part:

60 (1) "Certificate of immunization" means:

61 (a) a certification stating that a student received each required immunization, including
62 the date each immunization was administered, issued by:

63 (i) a licensed health care provider;

64 (ii) an authorized representative of a local health department; or

65 (iii) an authorized representative of the department; or

66 (b) verification from the department, through a central database, that a student has
67 received each required immunization, including the date each immunization was administered.

68 (2) "Department" means the Department of Health, created in Section [26-1-4](#).

69 (3) "Immunization exemption form" means a form, described in Section [53A-11-302.5](#),
70 that exempts a student from one or more required immunizations.

71 (4) "Local education agency" or "LEA" means:

72 (a) a school district;

73 (b) a charter school; or

74 (c) the Utah Schools for the Deaf and the Blind.

75 (5) "Required immunizations" means immunizations against communicable diseases
76 required by department rule described in Section [53A-11-303](#).

77 (6) "School" means:

78 (a) center-based child care, as defined in Section [26-39-102](#);

79 (b) a public school, as defined in Section [26-39-102](#);

80 (c) residential child care, as defined in Section [26-39-102](#); or

81 (d) a private school that:

82 (i) is not primarily funded at public expense; and

83 (ii) provides education to students in any grade from kindergarten through grade 12.

84 (7) "Student" means an individual who attends a school.

85 Section 3. Section **53A-11-301** is repealed and reenacted to read:

86 **53A-11-301. Certificate of immunization required -- Exceptions-- Weighted pupil**
87 **unit funding.**

88 (1) (a) Except as provided in Subsection (1)(b), a student may not attend a school
89 unless there is presented to the appropriate official of the school a certificate of immunization
90 for the student.

91 (b) A student who does not present a certificate of immunization may attend a school if
92 the student:

93 (i) is exempt as described in Section [53A-11-302](#);

94 (ii) qualifies for conditional enrollment under Section [53A-11-306](#); or

95 (iii) meets:

96 (A) the definition of a student under Section [53A-1-1001](#); and

97 (B) the immunization requirements for military children under Section [53A-1-1001](#).

98 (2) An LEA may not receive weighted pupil unit money for a student unless the
99 student:

100 (a) presents a certificate of immunization; or

101 (b) is allowed to attend school without presenting a certificate of immunization as
102 described in Subsection (1)(b).

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

104 **[53A-11-302. Exemption from required immunizations.](#)**

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

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

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

112 (b) a certificate of completion for the online education module described in Section
113 [53A-11-302.5](#); or

114 (2) for an exemption for a personal or religious belief:

115 (a) an immunization exemption form described in Section [53A-11-302.5](#); and

116 (b) a certificate of completion for the online education module described in Section
117 [53A-11-302.5](#).

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

119 53A-11-302.5. Immunization exemption form -- Online education module --
120 **Renewal requirement.**
121 (1) The department shall:
122 (a) develop an immunization exemption form that:
123 (i) specifies if an exemption is for a personal or religious belief;
124 (ii) certifies that the individual who signs the form has completed the online education
125 module described in Subsection (2);
126 (iii) indicates that a student who has an immunization exemption is required to renew
127 the exemption at the student's school when the student:
128 (A) enters grade 7; and
129 (B) enters grade 10;
130 (iv) states the department's position regarding the benefits of immunization;
131 (v) states requirements for a student who has not received required immunizations, in
132 the event of an outbreak of a vaccine preventable illness;
133 (vi) includes a statement claiming exemption from one or more required
134 immunizations, signed by:
135 (A) a student's parent or legal guardian;
136 (B) for a student who does not have a parent or legal guardian, the student's sibling of
137 legal age; or
138 (C) for a student 18 years of age or older, the student;
139 (vii) includes the name and address of the individual who signs the form;
140 (viii) includes the name of the student claiming exemption from one or more required
141 immunizations; and
142 (ix) includes name of the school the student attends at the time the form is signed; and
143 (b) provide the immunization exemption form to each local health department to
144 distribute.
145 (2) (a) The department shall develop an online education module that is no longer than
146 20 minutes and includes:
147 (i) information about vaccine preventable illnesses;
148 (ii) recommendations to reduce the likelihood of an unvaccinated individual
149 contracting or transmitting a vaccine preventable illness;

150 (iii) information, based on the best available science, about vaccines;

151 (iv) interactive questions or activities; and

152 (v) for an individual who completes the module, a certificate of completion.

153 (b) In developing the online education module, the department shall consult with

154 individuals interested in vaccination requirements, including individuals from organizations for
155 health care professionals.

156 (3) (a) A local health department shall provide an immunization exemption form to an
157 individual who:

158 (i) requests an immunization exemption form for a student;

159 (ii) is an individual described in Subsection (1)(a)(vi); and

160 (iii) presents a certificate of completion for the online education module described in
161 Subsection (2).

162 (b) A local health department may not issue an immunization exemption form to an
163 individual who does not present a certificate of completion for the online education module
164 described in Subsection (2).

165 (c) An individual who is eligible to sign an immunization exemption form for multiple
166 students may present a single certificate of completion described in Subsection (2) to receive an
167 immunization exemption form for each student.

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

170 (b) In order to renew an exemption from required immunizations, when a student with
171 an exemption from required immunizations enters grade 7, and again when the student enters
172 grade 10, an individual described in Subsection (1)(a)(vi) shall:

173 (i) complete the online education module described in Subsection (2); and

174 (ii) present a certificate of completion for the online education module directly to the
175 student's school.

176 (c) An LEA may not charge a fee to renew an immunization exemption form.

177 (d) A student who is exempt from immunization requirements and transfers to or
178 enrolls in a different school may, subject to the renewal requirements described in Subsection
179 (4)(b), transfer the student's exemption from required immunizations if the student's previous
180 school confirms that the student has an exemption from required immunizations.

181 (5) A student who has an immunization exemption for the 2016-2017 school year or
 182 earlier:

183 (a) is not required to obtain a new immunization exemption form from a local health
 184 department; and

185 (b) shall renew the exemption at the beginning of the student's grade 7 year and again
 186 at the beginning of the student's grade 10 year, as described in Subsection (4)(b).

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 presenting 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 (3) A parent or legal guardian of a student who is prohibited from attending school for
252 failure to comply with the provisions of this part shall be referred to the juvenile court.

253 **Section 9. Effective date.**

254 This bill takes effect on July 1, 2017.