

1                                   **CHILD IMMUNIZATION AMENDMENTS**

2   2002 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Rebecca D. Lockhart**

5   **This act modifies provisions related to the State System of Public Education by removing the**  
6   **requirement that a form claiming an exemption from immunization based on a personal**  
7   **belief against immunization be witnessed by a local health department representative and**  
8   **allowing a person to obtain the form at a local health department or public school.**

9   This act affects sections of Utah Code Annotated 1953 as follows:

10  AMENDS:

11           **53A-11-302**, as last amended by Chapter 129, Laws of Utah 1992

12           **53A-11-302.5**, as enacted by Chapter 129, Laws of Utah 1992

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

14           Section 1. Section **53A-11-302** is amended to read:

15           **53A-11-302. Immunizations required -- Exceptions -- Grounds for exemption from**  
16   **required immunizations.**

17           (1) A student may not enter school without a certificate of immunization, except as  
18   provided in this section.

19           (2) A student who at the time of school enrollment has not been completely immunized  
20   against each specified disease may attend school under a conditional enrollment if the student has  
21   received one dose of each specified vaccine prior to enrollment.

22           (3) A student is exempt from receiving the required immunizations if there is presented  
23   to the appropriate official of the school one or more of the following:

24           (a) a certificate from a licensed physician stating that due to the physical condition of the  
25   student one or more specified immunizations would endanger the student's life or health;

26           (b) ~~[A]~~ **§ AS A TEST CASE IN UTAH COUNTY ONLY, §** a completed form obtained at ~~[the]~~ a  
26a   local health department ~~[where the student~~  
27   resides, providing: ~~(i) the information required under Subsection 53A-11-302.5(1); and (ii) a~~



28 ~~statement that the person has]~~ or public school claiming an exemption from immunization  
29 requirements based on a personal belief opposed to immunizations, [which is signed by one of the  
30 individuals listed in Subsection 53A-11-302(3)(c) and witnessed by the local health officer or his  
31 designee] as provided in Section 53A-11-302.5; or

32 (c) a statement that the person is a bona fide member of a specified, recognized religious  
33 organization whose teachings are contrary to immunizations, signed by one of the following  
34 persons:

- 35 (i) one of the student's parents;
- 36 (ii) the student's guardian;
- 37 (iii) a legal age brother or sister of a student who has no parent or guardian; or
- 38 (iv) the student, if of legal age.

39 Section 2. Section **53A-11-302.5** is amended to read:

40 **53A-11-302.5. Personal belief immunization exemption.**

41 (1) The Department of Health shall provide to all local health departments and public  
42 schools a form to be used by persons claiming an exemption from immunization requirements  
43 based on a personal belief opposed to immunization. The form shall include a statement printed  
44 on the form and drafted by the Department of Health stating the department's position regarding  
45 the benefits of immunization. The form shall require, at a minimum:

- 46 (a) a statement claiming exemption from immunizations [~~required under Section~~  
47 ~~53A-11-302;~~] based on a personal belief opposed to immunizations signed by a person listed under  
48 Subsection 53A-11-302(3)(c);
- 49 (b) the name and address of the person who signs the form;
- 50 (c) the name of the student exempted from immunizations; and
- 51 (d) the school at which the student is enrolling.

52 (2) (a) The Department of Health shall provide these forms to [~~the~~] local health  
53 departments and public schools.

54 (b) Local health departments shall make the forms available to the public upon request.

55 (3) (a) A student enrolling in a school and who claims exemption from immunizations  
56 based on a personal belief shall complete the form described in Subsection (1) and provide it to  
57 the school officials at the school in which the student is enrolling.

58 (b) Students who prior to July 1, 1992, claimed an exemption from immunizations based

59 on personal beliefs shall prior to December 1, 1992, complete the form described in Subsection  
60 (1) and provide it to the appropriate official of the school the student attends.

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**Legislative Review Note**  
**as of 1-2-02 11:08 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**