

**Representative Norman K Thurston** proposes the following substitute bill:

**IMMUNIZATION OF STUDENTS AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carol Spackman Moss**

Senate Sponsor: \_\_\_\_\_

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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 a student seeking an immunization exemption;
- ▶ requires the Department of Health to:
  - develop an immunization exemption form;
  - provide an immunization exemption form online, free of charge;
  - develop an education module; and
  - make rules;
- ▶ requires an individual to present a certificate of completion for an education module as a condition for receiving an exemption from required immunizations;
- ▶ 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 immunizations;
- ▶ amends provisions related to a conditional enrollment; and



26           ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28           None

29 **Other Special Clauses:**

30           This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33           **26-1-17.5**, as last amended by Laws of Utah 2008, Chapter 382

34           **53A-11-303**, as enacted by Laws of Utah 1988, Chapter 2

35           **53A-11-304**, as enacted by Laws of Utah 1988, Chapter 2

36 ENACTS:

37           **53A-11-300.5**, Utah Code Annotated 1953

38 REPEALS AND REENACTS:

39           **53A-11-301**, as last amended by Laws of Utah 1992, Chapter 53

40           **53A-11-302**, as last amended by Laws of Utah 2010, Chapter 395

41           **53A-11-302.5**, as enacted by Laws of Utah 1992, Chapter 129

42           **53A-11-306**, as enacted by Laws of Utah 1988, Chapter 2



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

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

46           **26-1-17.5. Confidential records.**

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

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

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

56           **53A-11-300.5. Definitions.**

57 As used in this part:

58 (1) "Certificate of immunization" means:

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

61 (i) a licensed health care provider;

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

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

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

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

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

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

70 (a) a school district;

71 (b) a charter school; or

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

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

75 (6) "School" means:

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

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

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

79 (d) a private school that:

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

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

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

83 Section 3. Section [53A-11-301](#) is repealed and reenacted to read:

84 **[53A-11-301](#). Certificate of immunization required -- Exceptions-- Weighted pupil**  
85 **unit funding.**

86 (1) (a) Except as provided in Subsection (1)(b), a student may not attend a school  
87 unless there is presented to the appropriate official of the school a certificate of immunization

88 for the student.

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

91 (i) is exempt as described in Section 53A-11-302;

92 (ii) qualifies for conditional enrollment under Section 53A-11-306; or

93 (iii) meets:

94 (A) the definition of a student under Section 53A-1-1001; and

95 (B) the immunization requirements for military children under Section 53A-1-1001.

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

98 (a) presents a certificate of immunization; or

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

101 Section 4. Section 53A-11-302 is repealed and reenacted to read:

102 **53A-11-302. Exemption from required immunizations.**

103 A student is exempt from receiving required immunizations if the student's parent or  
104 legal guardian presents to the appropriate official of the student's school:

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

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

108 (b) an immunization exemption form described in Section 53A-11-302.5; and

109 (c) a certificate of completion for the online education module described in Section  
110 53A-11-302.5, dated within five years of the date that the certificate of completion is  
111 presented; or

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

113 (a) an immunization exemption form described in Section 53A-11-302.5; and

114 (b) a certificate of completion for the online education module described in Section  
115 53A-11-302.5, dated within five years of the date that the certificate of completion is presented.

116 Section 5. Section 53A-11-302.5 is repealed and reenacted to read:

117 **53A-11-302.5. Immunization exemption form -- Online education module --**

118 **Annual requirement.**

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

150 includes the date the individual completed the module.

151 (b) In developing the online education module, the department shall consult with  
152 individuals interested in vaccination requirements, including:

153 (i) individuals from organizations for health care professionals; and

154 (ii) parents whose students are exempt from immunization requirements.

155 (3) (a) In order to exempt a student from required immunizations, a student's parent or  
156 legal guardian shall present to the student's school:

157 (i) a completed immunization exemption form described in Subsection (1); and

158 (ii) a certificate of completion for the online education module described in Subsection  
159 (2), dated within five years of the date the parent or legal guardian presents the certificate of  
160 completion.

161 (b) An individual who is eligible to sign an immunization exemption form for multiple  
162 students may present a single certificate of completion for the online education module to  
163 receive an immunization exemption for each student.

164 (4) In order to remain exempt from required immunizations, the parent or legal  
165 guardian of an exempt student who attends a new school shall:

166 (a) submit to the student's new school:

167 (i) a completed immunization exemption form; and

168 (ii) a certificate of completion for the online education module described in Subsection  
169 (2) dated within the previous five years; or

170 (b) ensure that the student's previous school confirms with the student's new school  
171 that:

172 (i) the student has an immunization exemption form; and

173 (ii) the student's parent or guardian has completed the online education module within  
174 the past five years.

175 (5) A student who has an immunization exemption for a personal or religious belief for  
176 the 2016-2017 school year or earlier:

177 (a) except as provided in Subsection (5)(b), is not required to submit a new  
178 immunization form or certificate of completion for the online education module; and

179 (b) is subject to Subsection (4) if the student attends a new school.

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

181 **53A-11-303. Department of Health regulations.**

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

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

185 (b) the manner and frequency of ~~[their]~~ the administration~~[-]~~ of required  
 186 immunizations;

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

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

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

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

191 (a) conform to recognized standard medical practices~~[-]~~; and

192 ~~[(3) The rules shall]~~

193 (b) require ~~[the reporting of]~~ a school to report statistical information and names of  
 194 ~~[noncompliers by the schools]~~ students who are not in compliance with Section [53A-11-301](#) to  
 195 the department.

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

197 **53A-11-304. Certificate part of student's record -- Forms for certificates --**198 **Recording of immunization record as official certificate -- School record of noncertificate**  
 199 **holders.**

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

204 (2) The ~~[Department of Health shall provide official certificate of immunization forms~~  
 205 to public and private] department shall create an immunization form and distribute the  
 206 immunization form to schools, ~~[physicians]~~ health care providers, and local health departments.  
 207 ~~[The forms referred to in this subsection shall include a clear statement of the student's rights~~  
 208 under Section [53A-11-302](#).]

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

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

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

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

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

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

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

224 **53A-11-306. Conditional enrollment -- Suspension for noncompliance --**  
225 **Procedure.**

226 (1) (a) A student who has not received one or more required immunizations or who is  
227 not exempt from required immunizations under Section 53A-11-302 may attend school on a  
228 conditional enrollment:

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

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

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

236 (2) (a) After the conditional enrollment period, a school shall prohibit further  
237 attendance of a student who does not comply with Section 53A-11-301.

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

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

243 (ii) describes the process for obtaining the required immunizations or an exemption  
244 from the required immunizations.

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

247 Section 9. **Effective date.**

248 This bill takes effect on July 1, 2017.