

**Representative Carol Spackman Moss** 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 an exemption from required immunizations;
- ▶ 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 certain individuals to present a certificate of completion for an education module as a condition for receiving an exemption from required immunizations for a student;
- ▶ enacts renewal requirements for an exemption from immunization;
- ▶ amends requirements for transferring a student's exemption from required immunizations to a new school;



- 26           ▶ requires a school to maintain a list of students who have not received required
- 27 immunizations;
- 28           ▶ amends provisions related to a conditional enrollment; and
- 29           ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31           None

32 **Other Special Clauses:**

33           This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36           **26-1-17.5**, as last amended by Laws of Utah 2008, Chapter 382

37           **53A-11-303**, as enacted by Laws of Utah 1988, Chapter 2

38           **53A-11-304**, as enacted by Laws of Utah 1988, Chapter 2

39 ENACTS:

40           **53A-11-300.5**, Utah Code Annotated 1953

41 REPEALS AND REENACTS:

42           **53A-11-301**, as last amended by Laws of Utah 1992, Chapter 53

43           **53A-11-302**, as last amended by Laws of Utah 2010, Chapter 395

44           **53A-11-302.5**, as enacted by Laws of Utah 1992, Chapter 129

45           **53A-11-306**, as enacted by Laws of Utah 1988, Chapter 2



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

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

49           **26-1-17.5. Confidential records.**

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

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

57 infectious, communicable, and other diseases affecting the public health.

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

59 **53A-11-300.5. Definitions.**

60 As used in this part:

61 (1) "Certificate of immunization" means:

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

64 (i) a licensed health care provider;

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

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

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

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

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

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

73 (a) a school district;

74 (b) a charter school; or

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

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

78 (6) "School" means:

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

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

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

82 (d) a private school that:

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

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

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

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

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

88 **unit funding.**

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

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

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

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

96 (iii) meets:

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

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

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

101 (a) has a certificate of immunization; or

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

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

105 **[53A-11-302](#). Exemption from required immunizations.**

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

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

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

113 (b) a certificate of completion for the online education module described in Section  
114 [53A-11-302.5](#); or

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

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

117 (b) a certificate of completion for the online education module described in Section  
118 [53A-11-302.5](#).

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

120 **53A-11-302.5. Immunization exemption form -- Online education module --**

121 **Renewal requirement.**

122 (1) The department shall:

123 (a) develop an immunization exemption form that:

124 (i) specifies if an exemption is for a personal or religious belief;

125 (ii) certifies that the individual who signs the form has completed the online education  
126 module described in Subsection (2);

127 (iii) indicates that for a student to receive an exemption from required immunizations,  
128 an individual described in Subsection (1)(a)(vi) shall:

129 (A) present an immunization exemption form to a student's school the first time an  
130 exemption is sought; and

131 (B) renew the student's exemption as described in Subsection (4)(b) when the student  
132 enters grade 7, and again when the student enters grade 10;

133 (iv) states the department's position regarding the benefits of immunization;

134 (v) states policies for a student who has not received required immunizations, in the  
135 event of an outbreak of a vaccine preventable illness;

136 (vi) includes a statement claiming exemption from one or more required  
137 immunizations, signed by:

138 (A) a student's parent or legal guardian;

139 (B) for a student who does not have a parent or legal guardian, the student's sibling of  
140 legal age; or

141 (C) for a student 18 years of age or older, the student;

142 (vii) includes the name and address of the individual who signs the form;

143 (viii) includes the name of the student claiming exemption from one or more required  
144 immunizations; and

145 (ix) includes the name of the school the student attends at the time the form is signed;

146 and

147 (b) provide the immunization exemption form to each local health department to  
148 distribute.

149 (2) (a) The department shall develop an online education module that is no longer than

150 20 minutes and includes:

151 (i) information about vaccine preventable illnesses;

152 (ii) recommendations to reduce the likelihood of an unvaccinated individual  
153 contracting or transmitting a vaccine preventable illness;

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

155 (iv) interactive questions or activities; and

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

157 (b) In developing the online education module, the department shall consult with  
158 individuals interested in vaccination requirements, including individuals from organizations for  
159 health care professionals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

192 **53A-11-303. Department of Health regulations.**

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

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

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

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

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

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

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

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

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

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

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

208 **53A-11-304. Certificate part of student's record -- Forms for certificates --**

209 **Recording of immunization record as official certificate -- School record of noncertificate**  
 210 **holders.**

211 (1) ~~[Each]~~ A school shall retain an official ~~[certificates]~~ certificate of immunization for

212 ~~[every] an enrolled student[. The certificate becomes a]~~ that is part of the [individual] student's  
213 permanent school record [and follows the student through his or her public or private school  
214 career].

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

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

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

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

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

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

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

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

235 **53A-11-306. Conditional enrollment -- Suspension for noncompliance --**

236 **Procedure.**

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

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

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

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

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

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

251 (i) the student will be suspended at the end of the conditional enrollment if the student  
252 is not in compliance with Section [53A-11-301](#); and

253 (ii) describes the process for obtaining the required immunizations or an exemption  
254 from the required immunizations.

255 Section 9. **Effective date.**

256 This bill takes effect on July 1, 2017.