

Representative Norman K Thurston proposes the following substitute bill:

PUBLIC HEALTH EDUCATION MODULE

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill requires the Department of Health to create an online education module regarding certain preventable diseases.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health to create an online education module regarding certain preventable diseases;
- ▶ amends the grounds for exemptions from required vaccines;
- ▶ requires the renewal of a student's vaccination exemption under certain conditions;
- ▶ requires the Department of Health to create a new vaccination exemption form;
- ▶ allows for the vaccination exemption form to be completed online in conjunction with the education module;
- ▶ discontinues the practice of allowing local health departments to vaccinate students and recover costs; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 This bill provides a coordination clause.

29 **Utah Code Sections Affected:**

30 ENACTS:

31 [26-7-9](#), Utah Code Annotated 1953

32 [53A-11-300.5](#), Utah Code Annotated 1953

33 REPEALS AND REENACTS:

34 [53A-11-302](#), as last amended by Laws of Utah 2010, Chapter 395

35 [53A-11-302.5](#), as enacted by Laws of Utah 1992, Chapter 129

36 REPEALS:

37 [53A-11-305](#), as last amended by Laws of Utah 1988, Chapter 202

38 **Utah Code Sections Affected by Coordination Clause:**

39 [53A-11-302](#), as last amended by Laws of Utah 2010, Chapter 395

40 [53A-11-302.5](#), as enacted by Laws of Utah 1992, Chapter 129

41 [53A-11-305](#), as last amended by Laws of Utah 1988, Chapter 202



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

44 Section 1. Section [26-7-9](#) is enacted to read:

45 **[26-7-9](#). Online public health education module.**

46 (1) As used in this section:

47 (a) "Health care provider" means the same as that term is defined in Section

48 [78B-3-403](#).

49 (b) "Nonimmune" means that a child or an individual:

50 (i) has not received each vaccine required in Section [53A-11-303](#) and has not
51 developed a natural immunity through previous illness to a vaccine-preventable disease, as
52 documented by a health care provider;

53 (ii) cannot receive each vaccine required in Section [53A-11-303](#); or

54 (iii) is otherwise known to not be immune to a vaccine-preventable disease.

55 (c) "Vaccine-preventable disease" means an infectious disease that can be prevented by
56 a vaccination required in Section [53A-11-303](#).

- 57 (2) The department shall develop an online education module regarding
58 vaccine-preventable diseases:
- 59 (a) to assist a parent of a nonimmune child to:
- 60 (i) recognize the symptoms of vaccine-preventable diseases;
61 (ii) respond in the case of an outbreak of a vaccine-preventable disease;
62 (iii) protect children who contract a vaccine-preventable disease; and
63 (iv) prevent the spread of vaccine-preventable diseases;
- 64 (b) that contains only the following:
- 65 (i) information about vaccine-preventable diseases necessary to achieve the goals
66 stated in Subsection (2)(a), including the best practices to prevent the spread of
67 vaccine-preventable diseases;
- 68 (ii) recommendations to reduce the likelihood of a nonimmune individual contracting
69 or transmitting a vaccine-preventable disease; and
- 70 (iii) information about additional available resources related to vaccine-preventable
71 diseases and the availability of low-cost vaccines;
- 72 (c) that includes interactive questions or activities; and
- 73 (d) that is expected to take an average user 20 minutes or less to complete, based on
74 user testing.
- 75 (3) In developing the online education module described in Subsection (2), the
76 department shall consult with individuals interested in vaccination or vaccine-preventable
77 diseases, including:
- 78 (a) representatives from organizations of health care professionals; and
79 (b) parents of nonimmune children.
- 80 (4) The department shall make the online education module described in Subsection
81 (2) publicly available to parents through:
- 82 (a) a link on the department's website;
83 (b) county health departments, as that term is defined in Section [26A-1-102](#);
84 (c) local health departments, as that term is defined in Section [26A-1-102](#);
85 (d) local education agencies, as that term is defined in Section [53A-1-401](#); and
86 (e) other public health programs or organizations.
- 87 (5) The department shall report to the Health and Human Services Interim Committee

88 before November 30, 2017, regarding compliance with this section.

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

90 **53A-11-300.5. Definitions.**

91 As used in this part:

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

93 (2) "Health official" means an individual designated by a local health department from
94 within the local health department to consult and counsel parents and licensed health care
95 providers, in accordance with Subsection [53A-11-302.5\(2\)\(a\)](#).

96 (3) "Health official designee" means a licensed health care provider designated by a
97 local health department, in accordance with Subsection [53A-11-302.5\(2\)\(b\)](#), to consult with
98 parents, licensed health care professionals, and school officials.

99 (4) "Immunization" or "immunize" means a process through which an individual
100 develops an immunity to a disease, through vaccination or natural exposure to the disease.

101 (5) "Immunization record" means a record relating to a student that includes:

102 (a) information regarding each required vaccination that the student has received,
103 including the date each vaccine was administered, verified by:

104 (i) a licensed health care provider;

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

106 (iii) an authorized representative of the department;

107 (iv) a registered nurse; or

108 (v) a pharmacist;

109 (b) information regarding each disease against which the student has been immunized
110 by previously contracting the disease; and

111 (c) an exemption form identifying each required vaccination from which the student is
112 exempt, including all required supporting documentation described in Section [53A-11-302](#).

113 (6) "Legally responsible individual" means:

114 (a) a student's parent;

115 (b) the student's legal guardian;

116 (c) an adult brother or sister of a student who has no legal guardian; or

117 (d) the student, if the student:

118 (i) is an adult; or

- 119 (ii) is a minor who may consent to treatment under Section [26-10-9](#).
- 120 (7) "Licensed health care provider" means a health care provider who is licensed under
- 121 Title 58, Occupations and Professions, as:
- 122 (a) a medical doctor;
- 123 (b) an osteopathic doctor;
- 124 (c) a physician assistant; or
- 125 (d) an advanced practice registered nurse.
- 126 (8) "Local education agency" or "LEA" means:
- 127 (a) a school district;
- 128 (b) a charter school; or
- 129 (c) the Utah Schools for the Deaf and the Blind.
- 130 (9) "Local health department" means the same as that term is defined in Section
- 131 [26A-1-102](#).
- 132 (10) "Required vaccines" means vaccines required by department rule described in
- 133 Section [53A-11-303](#).
- 134 (11) "School" means any public or private:
- 135 (a) elementary or secondary school;
- 136 (b) preschool;
- 137 (c) child care center or program;
- 138 (d) nursery school; or
- 139 (e) business that receives compensation for supervising or educating a child.
- 140 (12) "Student" means an individual who attends a school.
- 141 (13) "Vaccinating" or "vaccination" means the administration of a vaccine.
- 142 (14) "Vaccination exemption form" means a form, described in Section [53A-11-302.5](#),
- 143 that documents and verifies that a student is exempt from the requirement to receive one or
- 144 more required vaccines.
- 145 (15) "Vaccine" means the substance licensed for use by the United States Food and
- 146 Drug Administration that is injected into or otherwise administered to an individual to
- 147 immunize the individual against a communicable disease.
- 148 Section 3. Section [53A-11-302](#) is repealed and reenacted to read:
- 149 **53A-11-302. Grounds for exemption from required vaccines -- Renewal.**

150 (1) A student is exempt from the requirement to receive a vaccine required under
151 Section 53A-11-303 if the student qualifies for a medical or personal exemption from the
152 vaccination under Subsection (2) or (3).

153 (2) A student qualifies for a medical exemption from a vaccination required under
154 Section 53A-11-303 if the student's legally responsible individual provides to the student's
155 school:

156 (a) a completed vaccination exemption form; and

157 (b) a written notice signed by a licensed health care provider stating that, due to the
158 physical condition of the student, administration of the vaccine would endanger the student's
159 life or health.

160 (3) A student qualifies for a personal exemption from a vaccination required under
161 Section 53A-11-303 if the student's legally responsible individual provides to the student's
162 school a completed vaccination exemption form, stating that the student is exempt from the
163 vaccination because of a personal or religious belief.

164 (4) (a) A vaccination exemption form submitted under this section is valid for as long
165 as the student remains at the school to which the form first is presented.

166 (b) If the student changes schools before the student is old enough to enroll in
167 kindergarten, the vaccination exemption form accepted as valid at the student's previous school
168 is valid until the earlier of the day on which:

169 (i) the student enrolls in kindergarten; or

170 (ii) the student turns six years old.

171 (c) If the student changes schools after the student is old enough to enroll in
172 kindergarten but before the student is eligible to enroll in grade 7, the vaccination exemption
173 form accepted as valid at the student's previous school is valid until the earlier of the day on
174 which:

175 (i) the student enrolls in grade 7; or

176 (ii) the student turns 12 years old.

177 (d) If the student changes schools after the student is old enough to enroll in grade 7,
178 the vaccination exemption form accepted as valid at the student's previous school is valid until
179 the student completes grade 12.

180 (e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained

181 through completion of the online education module created in Section 26-7-9 is valid for at
182 least two years.

183 Section 4. Section 53A-11-302.5 is repealed and reenacted to read:

184 **53A-11-302.5. Vaccination exemption form.**

185 (1) The department shall:

186 (a) develop a vaccination exemption form that includes only the following information:

187 (i) identifying information regarding:

188 (A) the student to whom an exemption applies; and

189 (B) the legally responsible individual who claims the exemption for the student and
190 signs the vaccination exemption form;

191 (ii) an indication regarding the vaccines to which the exemption relates;

192 (iii) a statement that the claimed exemption is for:

193 (A) a medical reason; or

194 (B) a personal or religious belief; and

195 (iv) an explanation of the requirements, in the event of an outbreak of a disease for
196 which a required vaccine exists, for a student who:

197 (A) has not received the required vaccine; and

198 (B) is not otherwise immune from the disease; and

199 (b) provide the vaccination exemption form created in this Subsection (1) to local
200 health departments.

201 (2) (a) Each local health department shall designate one or more individuals from
202 within the local health department as a health official to consult, regarding the requirements of
203 this part, with:

204 (i) parents, upon the request of parents;

205 (ii) school principals and administrators; and

206 (iii) licensed health care providers.

207 (b) A local health department may designate a licensed health care provider as a health
208 official designee to provide the services described in Subsection (2)(a).

209 (3) (a) To receive a vaccination exemption form described in Subsection (1), a legally
210 responsible individual shall complete the online education module described in Section 26-7-9,
211 permitting an individual to:

212 (i) complete any requirements online; and
213 (ii) download and print the vaccine exemption form immediately upon completion of
214 the requirements.

215 (b) A legally responsible individual may decline to take the online education module
216 and obtain a vaccination exemption form from a local health department, if the individual:

217 (i) requests and receives an in-person consultation at a local health department from a
218 health official or a health official designee regarding the requirements of this part; and

219 (ii) pays any fees established under Subsection (4)(b).

220 (4) (a) Neither the department nor any other person may charge a fee for the exemption
221 form offered through the online education module in Subsection (3)(a).

222 (b) A local health department may establish a fee of up to \$25 to cover the costs of
223 providing an in-person consultation.

224 **Section 5. Repealer.**

225 This bill repeals:

226 Section **53A-11-305, Immunization by local health departments -- Fees.**

227 **Section 6. Effective date.**

228 This bill takes effect on July 1, 2018.

229 **Section 7. Coordinating H.B. 308 with H.B. 309 -- Superseding substantive and**
230 **technical amendments.**

231 If this H.B. 308 and H.B. 309, Public Health in Schools, both pass and become law, it is
232 the intent of the Legislature that, on July 1, 2018, the amendments to Sections [53A-11-302](#),
233 [53A-11-302.5](#), and [53A-11-305](#) in this bill supersede the amendments to Sections [53A-11-302](#),
234 [53A-11-302.5](#), and [53A-11-305](#) in H.B. 309 when the Office of Legislative Research and
235 General Counsel prepares the Utah Code database for publication.