

HB0308S01 compared with HB0308

~~text~~ shows text that was in HB0308 but was deleted in HB0308S01.

Inserted text shows text that was not in HB0308 but was inserted into HB0308S01.

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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: _____

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 ~~for parents of children who are not immune to vaccine-preventable~~ 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;

HB0308S01 compared with HB0308

- ▶ 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

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.
This bill provides a coordination clause.

Utah Code Sections Affected:

ENACTS:

26-7-9, Utah Code Annotated 1953

53A-11-300.5, Utah Code Annotated 1953

REPEALS AND REENACTS:

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

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

REPEALS:

53A-11-305, as last amended by Laws of Utah 1988, Chapter 202

Utah Code Sections Affected by Coordination Clause:

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

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

53A-11-305, as last amended by Laws of Utah 1988, Chapter 202

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

Section 1. Section **26-7-9** is enacted to read:

26-7-9. Online public health education module.

(1) As used in this section:

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

78B-3-403.

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

HB0308S01 compared with HB0308

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

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

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

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

(2) The department shall develop an online education module regarding vaccine-preventable diseases:

(a) to assist a parent of a nonimmune child to:

(i) recognize the symptoms of vaccine-preventable diseases;

(ii) respond in the case of an outbreak of a vaccine-preventable disease;

(iii) protect children who contract a vaccine-preventable disease; and

(iv) prevent the spread of vaccine-preventable diseases;

(b) that contains only the following:

(i) information about vaccine-preventable diseases necessary to achieve the goals stated in Subsection (2)(a), including the best practices to prevent the spread of vaccine-preventable diseases;

(ii) recommendations to reduce the likelihood of a nonimmune individual contracting or transmitting a vaccine-preventable disease; and

(iii) information about additional available resources related to vaccine-preventable diseases and the availability of low-cost vaccines;

(c) that includes interactive questions or activities; and

(d) that is expected to take an average user 20 minutes or less to complete, based on user testing.

(3) In developing the online education module described in Subsection (2), the department shall consult with individuals interested in vaccination or vaccine-preventable diseases, including:

(a) representatives from organizations of health care professionals; and

(b) parents of nonimmune children.

(4) The department shall make the online education module described in Subsection

HB0308S01 compared with HB0308

(2) publicly available to parents through:

- (a) a link on the department's website;
- (b) county health departments, as that term is defined in Section 26A-1-102;
- (c) local health departments, as that term is defined in Section 26A-1-102;
- (d) local education agencies, as that term is defined in Section 53A-1-401; and
- (e) other public health programs or organizations.

(5) The department shall report to the Health and Human Services Interim Committee before November 30, 2017, regarding compliance with this section.

†

Legislative Review Note

~~Office of Legislative Research and General Counsel~~ Section 2. Section 53A-11-300.5
is enacted to read:

53A-11-300.5. Definitions.

As used in this part:

- (1) "Department" means the Department of Health, created in Section 26-1-4.
- (2) "Health official" means an individual designated by a local health department from within the local health department to consult and counsel parents and licensed health care providers, in accordance with Subsection 53A-11-302.5(2)(a).
- (3) "Health official designee" means a licensed health care provider designated by a local health department, in accordance with Subsection 53A-11-302.5(2)(b), to consult with parents, licensed health care professionals, and school officials.
- (4) "Immunization" or "immunize" means a process through which an individual develops an immunity to a disease, through vaccination or natural exposure to the disease.
- (5) "Immunization record" means a record relating to a student that includes:
 - (a) information regarding each required vaccination that the student has received, including the date each vaccine was administered, verified by:
 - (i) a licensed health care provider;
 - (ii) an authorized representative of a local health department;

HB0308S01 compared with HB0308

(iii) an authorized representative of the department;

(iv) a registered nurse; or

(v) a pharmacist;

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

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

(6) "Legally responsible individual" means:

(a) a student's parent;

(b) the student's legal guardian;

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

(d) the student, if the student:

(i) is an adult; or

(ii) is a minor who may consent to treatment under Section 26-10-9.

(7) "Licensed health care provider" means a health care provider who is licensed under

Title 58, Occupations and Professions, as:

(a) a medical doctor;

(b) an osteopathic doctor;

(c) a physician assistant; or

(d) an advanced practice registered nurse.

(8) "Local education agency" or "LEA" means:

(a) a school district;

(b) a charter school; or

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

(9) "Local health department" means the same as that term is defined in Section 26A-1-102.

(10) "Required vaccines" means vaccines required by department rule described in Section 53A-11-303.

(11) "School" means any public or private:

(a) elementary or secondary school;

(b) preschool;

HB0308S01 compared with HB0308

(c) child care center or program;

(d) nursery school; or

(e) business that receives compensation for supervising or educating a child.

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

(13) "Vaccinating" or "vaccination" means the administration of a vaccine.

(14) "Vaccination exemption form" means a form, described in Section 53A-11-302.5,

that documents and verifies that a student is exempt from the requirement to receive one or more required vaccines.

(15) "Vaccine" means the substance licensed for use by the United States Food and Drug Administration that is injected into or otherwise administered to an individual to immunize the individual against a communicable disease.

Section 3. Section 53A-11-302 is repealed and reenacted to read:

53A-11-302. Grounds for exemption from required vaccines -- Renewal.

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

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

(a) a completed vaccination exemption form; and

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

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

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

(b) If the student changes schools before the student is old enough to enroll in kindergarten, the vaccination exemption form accepted as valid at the student's previous school

HB0308S01 compared with HB0308

is valid until the earlier of the day on which:

(i) the student enrolls in kindergarten; or

(ii) the student turns six years old.

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

(i) the student enrolls in grade 7; or

(ii) the student turns 12 years old.

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

(e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained through completion of the online education module created in Section 26-7-9 is valid for at least two years.

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

53A-11-302.5. Vaccination exemption form.

(1) The department shall:

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

(i) identifying information regarding:

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

(B) the legally responsible individual who claims the exemption for the student and

signs the vaccination exemption form;

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

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

(A) a medical reason; or

(B) a personal or religious belief; and

(iv) an explanation of the requirements, in the event of an outbreak of a disease for

which a required vaccine exists, for a student who:

(A) has not received the required vaccine; and

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

HB0308S01 compared with HB0308

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

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

- (i) parents, upon the request of parents;
- (ii) school principals and administrators; and
- (iii) licensed health care providers.

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

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

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

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

- (i) requests and receives an in-person consultation at a local health department from a health official or a health official designee regarding the requirements of this part; and
- (ii) pays any fees established under Subsection (4)(b).

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

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

Section 5. Repealer.

This bill repeals:

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

Section 6. Effective date.

This bill takes effect on July 1, 2018.

Section 7. Coordinating H.B. 308 with H.B. 309 -- Superseding substantive and

HB0308S01 compared with HB0308

technical amendments.

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