

Senate Bill 21

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Human Services to develop objective criteria for vaccines required for school and children's facility admissions and made available for administration by local health officer.

A BILL FOR AN ACT

1 Relating to objective criteria for selection of vaccines; amending ORS 433.245, 433.267 and 433.269.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 433.267 is amended to read:

4 433.267. (1) As a condition of attendance in any school or children's facility in this state, every
5 child through grade 12 shall submit to the administrator one of the following statements unless the
6 school or facility which the child attends already has on file a record which indicates that the child
7 has received immunizations against the restrictable diseases prescribed by rules of the Department
8 of Human Services as provided in ORS 433.273:

9 (a) A statement signed by the parent, a practitioner of the healing arts who has within the scope
10 of the practitioner's license the authority to administer immunizations or a representative of the
11 local health department certifying the immunizations the child has received;

12 (b) A statement signed by a physician or a representative of the local health department that
13 the child should be exempted from receiving specified immunization because of indicated medical
14 diagnosis; or

15 (c) A statement signed by the parent that the child has not been immunized as described in
16 paragraph (a) of this subsection because the child is being reared as an adherent to a religion the
17 teachings of which are opposed to such immunization.

18 (2)(a) A newly entering child or a transferring child shall be required to submit the statement
19 described in subsection (1) of this section prior to attending the school or facility.

20 (b) Notwithstanding paragraph (a) of this subsection, a child transferring from a school in the
21 United States must submit the statement required by subsection (1) of this section not later than the
22 exclusion date set by rule of the department.

23 (3) Persons who have been emancipated pursuant to ORS 419B.558 or who have reached the age
24 of consent for medical care pursuant to ORS 109.640 may sign those statements on their own behalf
25 otherwise requiring the signatures of parents under subsection (1) of this section.

26 (4) The administrator shall conduct a primary evaluation of the records submitted pursuant to
27 subsection (1) of this section to determine whether the child is entitled to begin attendance by rea-
28 son of having submitted a statement that complies with the requirements of subsection (1) of this
29 section.
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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) If the records do not meet the initial minimum requirements established by rule, the child
 2 may not be allowed to attend until the requirements are met. If the records meet the initial minimum
 3 requirements, the child shall be allowed to attend.

4 (6) At the time specified by the department by rule, records for children meeting the initial
 5 minimum requirements and records previously on file shall be reviewed for completion of require-
 6 ments by the administrator to determine whether the child is entitled to continue in attendance. If
 7 the records do not comply, the administrator shall notify the local health department and shall
 8 transmit any records concerning the child's immunization status to the local health department.

9 (7) The local health department shall provide for a secondary evaluation of the records to de-
 10 termine whether the child should be excluded for noncompliance with the requirements stated in
 11 subsection (1)(a) or (b) of this section. If the child is determined to be in noncompliance, the local
 12 health department shall issue an exclusion order and shall send copies of the order to the parent
 13 or the person who is emancipated or has reached the age of majority and the administrator. On the
 14 effective date of the order, the administrator shall exclude the child from the school or facility and
 15 not allow the child to attend the school or facility until the requirements of this section have been
 16 met.

17 (8) The administrator shall readmit the child to the school or facility when in the judgment of
 18 the local health department the child is in compliance with the requirements of this section.

19 (9) The administrator shall be responsible for updating the statement described in subsection
 20 (1)(a) of this section as necessary to reflect the current status of the immunization of the child and
 21 the time at which the child comes into compliance with immunizations against the restrictable dis-
 22 eases prescribed by rules of the department pursuant to ORS 433.273.

23 (10) Nothing in this section shall be construed as relieving agencies, in addition to school dis-
 24 tricts, which are involved in the maintenance and evaluation of immunization records on April 27,
 25 1981, from continuing responsibility for these activities.

26 (11) All statements required by this section shall be on forms approved or provided by the de-
 27 partment.

28 (12) In lieu of signed statements from practitioners of the healing arts, the department may ac-
 29 cept immunization record updates using practitioner documented immunization records generated
 30 by electronic means or on practitioner letterhead but unsigned, if the department determines such
 31 records are accurate.

32 **(13) The Department of Human Services shall develop objective criteria to determine**
 33 **vaccines that are required for a child to attend a school or facility.**

34 ~~[(13)]~~ (14) As used in this section:

35 (a) "Newly entering child" means a child who is initially attending:

36 (A) A facility in this state;

37 (B) A school at the entry grade level;

38 (C) Either a school at any grade level or a facility from homeschooling; or

39 (D) A school at any grade level or a facility after entering the United States from another
 40 country.

41 (b) "Transferring child" means a child moving from:

42 (A) One facility to another facility;

43 (B) One school in this state to another school in this state when the move is not the result of
 44 a normal progression of grade level; or

45 (C) A school in another state to a school in this state.

1 **SECTION 2.** ORS 433.269 is amended to read:

2 433.269. (1) Local health departments shall make available immunizations to be administered
 3 *[under]* **at** the direction of the local health officer in convenient areas and at convenient times.
 4 *[No person shall be refused]* **A local health department may not refuse** service because of a
 5 **person’s** inability to pay.

6 **(2) The Department of Human Services shall develop objective criteria to determine**
 7 **vaccines that are to be administered at the direction of the local health officer.**

8 *[(2)]* **(3)** The local health department and all schools and children’s facilities shall report annu-
 9 ally to the Department of Human Services as specified in the rules of the Department of Human
 10 Services on the number of children in the area served and those children who are susceptible to
 11 restrictable disease as prescribed by rules of the Department of Human Services pursuant to ORS
 12 433.273 by reason of noncompliance. A child exempted under ORS 433.267 shall be considered to be
 13 susceptible.

14 *[(3)]* **(4)** The administrator shall maintain immunization records of children, including children
 15 in attendance conditionally because of incomplete immunization schedules and children exempted
 16 under ORS 433.267.

17 **SECTION 3.** ORS 433.245 is amended to read:

18 433.245. (1) The Director of Human Services shall appoint a committee to advise the Department
 19 of Human Services on the administration of the provisions of ORS 433.235 to 433.284, including the
 20 adoption of rules pursuant to ORS 433.269 *[(2)]* **(3)**, 433.273, 433.282 and 433.283.

21 (2) Members of the committee appointed pursuant to subsection (1) of this section shall include,
 22 but need not be limited to, representatives of the Department of Human Services, the Department
 23 of Education, public, private and parochial schools, children’s facilities, institutions of post-
 24 secondary education, education service districts, local health departments, the boards of county
 25 commissioners or county courts and the public.

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