

# Senate Bill 132

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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**.

Changes certain documentation that must be submitted to school administrator for purpose of opting out of immunizations.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to immunization of school children; creating new provisions; amending ORS 433.267, 433.273  
3 and 433.284; and declaring an emergency.

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

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

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

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

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

17 (c) [*A statement signed by the parent that the child has not been immunized as described in par-*  
18 *agraph (a) of this subsection because the child is being reared as an adherent to a religion the*  
19 *teachings of which are opposed to such immunization.*] **A statement, on a form prescribed by the**  
20 **authority by rule and signed by the parent, that the parent is declining one or more immu-**  
21 **nizations on behalf of the child. The form on which the statement is submitted must contain**  
22 **one of the following:**

23 (A) **A signature from a practitioner of the healing arts verifying that information about**  
24 **the risks and benefits of immunization has been provided to the parent; or**

25 (B) **A certificate that verifies the parent's completion of a vaccine educational module**  
26 **offered on the Internet and approved by the authority pursuant to rules adopted under ORS**  
27 **433.273.**

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

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

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

7 (4) The administrator shall conduct a primary evaluation of the records submitted pursuant to  
8 subsection (1) of this section to determine whether the child is entitled to begin attendance by rea-  
9 son of having submitted a statement that complies with the requirements of subsection (1) of this  
10 section.

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

14 (6) At the time specified by the authority by rule, records for children meeting the initial mini-  
15 mum requirements and records previously on file shall be reviewed for completion of requirements  
16 by the administrator to determine whether the child is entitled to continue in attendance. If the  
17 records do not comply, the administrator shall notify the local health department and shall transmit  
18 any records concerning the child's immunization status to the local health department.

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

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

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

33 (10) Nothing in this section shall be construed as relieving agencies, in addition to school dis-  
34 tricts, which are involved in the maintenance and evaluation of immunization records on April 27,  
35 1981, from continuing responsibility for these activities.

36 (11) All statements required by this section shall be on forms approved or provided by the au-  
37 thority.

38 (12) In lieu of signed statements from practitioners of the healing arts, the authority may accept  
39 immunization record updates using practitioner documented immunization records generated by  
40 electronic means or on unsigned practitioner letterhead if the authority determines such records are  
41 accurate.

42 (13) As used in this section:

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

44 (A) A facility in this state;

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

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

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

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

5 (A) One facility to another facility;

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

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

9 **SECTION 2.** ORS 433.273 is amended to read:

10 433.273. The Oregon Health Authority shall adopt rules pertaining to the implementation of ORS  
11 433.235 to 433.284, which shall include, but need not be limited to:

12 (1) The definition of "restrictable" disease;

13 (2) The required immunization against diseases, including rubella, considered to be dangerous  
14 to the public health under ORS 433.267;

15 (3) The time schedule for immunization;

16 (4) The approved means of immunization;

17 (5) The procedures and time schedule whereby children may be excluded from attendance in  
18 schools or facilities, including service of notice to parents;

19 (6) The manner in which immunization records for children are established, evaluated and  
20 maintained;

21 (7) The exempted schools and children's facilities; *[and]*

22 (8) The implementation of ORS 433.282 and 433.283[.];

23 **(9) The process for approving a vaccine educational module offered on the Internet;**

24 **(10) Requirements for a vaccine educational module offered on the Internet, including the**  
25 **requirement that a vaccine educational module present information that is consistent with**  
26 **information published by the Centers for Disease Control and Prevention concerning**  
27 **epidemiology and prevention of disease through the use of vaccinations; and**

28 **(11) The documentation required to verify completion of a vaccine educational module**  
29 **offered on the Internet.**

30 **SECTION 3.** ORS 433.284 is amended to read:

31 433.284. Private schools, children's facilities and post-secondary educational institutions may  
32 adopt additional or more stringent requirements as long as *[medical and religious]* exemptions are  
33 included and the requirements are in compliance with the United States Public Health Service Ad-  
34 visory Committee on Immunization Practices recommendations.

35 **SECTION 4. The amendments to ORS 433.267 by section 1 of this 2013 Act apply to chil-**  
36 **dren entering or transferring to a school or facility before, on or after the operative date**  
37 **specified in section 5 of this 2013 Act.**

38 **SECTION 5. (1) The amendments to ORS 433.267, 433.273 and 433.284 by sections 1 to 3**  
39 **of this 2013 Act become operative on January 1, 2014.**

40 **(2) The Oregon Health Authority may take any action before the operative date specified**  
41 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**  
42 **after the operative date specified in subsection (1) of this section, all the duties, functions**  
43 **and powers conferred on the authority by the amendments to ORS 433.267, 433.273 and 433.284**  
44 **by sections 1 to 3 of this 2013 Act.**

45 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
2 **on its passage.**

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