

**PROPOSED AMENDMENTS TO
SENATE BILL 132**

1 On page 1 of the printed bill, delete lines 5 through 29 and delete page
2 2.

3 On page 3, delete lines 1 through 29 and insert:

4 **“SECTION 1.** ORS 433.267 is amended to read:

5 “433.267. (1) As a condition of attendance in any school or children’s fa-
6 cility in this state, every child through grade 12 shall submit to the admin-
7 istrator, [*one of the following statements*] unless the school or facility
8 [*which*] the child attends already has on file a record [*which*] **that** indicates
9 that the child has received immunizations against the restrictable diseases
10 prescribed by rules of the Oregon Health Authority as provided in ORS
11 433.273, **one of the following**:

12 “(a) A [*statement*] **document** signed by the parent, a practitioner of the
13 healing arts who has within the scope of the practitioner’s license the au-
14 thority to administer immunizations or a representative of the local health
15 department certifying the immunizations the child has received;

16 “(b) A [*statement*] **document** signed by a physician or a representative
17 of the local health department **stating** that the child should be exempted
18 from receiving specified immunization because of indicated medical diagno-
19 sis; or

20 “[*(c) A statement signed by the parent that the child has not been*
21 *immunized as described in paragraph (a) of this subsection because the child*
22 *is being reared as an adherent to a religion the teachings of which are opposed*

1 to such immunization.]

2 “(c) A document, on a form prescribed by the authority by rule and
3 signed by the parent of the child, stating that the parent is declining
4 one or more immunizations on behalf of the child. A document sub-
5 mitted under this paragraph:

6 “(A) May include the reason for declining the immunization, in-
7 cluding whether the parent is declining the immunization because of
8 a religious or philosophical belief; and

9 “(B) Must include either:

10 “(i) A signature from a health care practitioner verifying that the
11 health care practitioner has reviewed with the parent information
12 about the risks and benefits of immunization that is consistent with
13 information published by the Centers for Disease Control and Pre-
14 vention and the contents of the vaccine educational module approved
15 by the authority pursuant to rules adopted under ORS 433.273; or

16 “(ii) A certificate verifying that the parent has completed a vaccine
17 educational module approved by the authority pursuant to rules
18 adopted under ORS 433.273.

19 “(2)(a) A newly entering child or a transferring child shall be required to
20 submit the [statement] **document** described in subsection (1) of this section
21 prior to attending the school or facility.

22 “(b) Notwithstanding paragraph (a) of this subsection, a child transferring
23 from a school in the United States must submit the [statement] **document**
24 required by subsection (1) of this section not later than the exclusion date
25 set by rule of the authority.

26 “(3) Persons who have been emancipated pursuant to ORS 419B.558 or
27 who have reached the age of consent for medical care pursuant to ORS
28 109.640 may sign those [statements] **documents** on their own behalf other-
29 wise requiring the signatures of parents under subsection (1) of this section.

30 “(4) The administrator shall conduct a primary evaluation of the records

1 submitted pursuant to subsection (1) of this section to determine whether the
2 child is entitled to begin attendance by reason of having submitted a [*state-*
3 *ment*] **document** that complies with the requirements of subsection (1) of
4 this section.

5 “(5) If the records do not meet the initial minimum requirements estab-
6 lished by rule, the child may not be allowed to attend until the requirements
7 are met. If the records meet the initial minimum requirements, the child
8 shall be allowed to attend.

9 “(6) At the time specified by the authority by rule, records for children
10 meeting the initial minimum requirements and records previously on file
11 shall be reviewed for completion of requirements by the administrator to
12 determine whether the child is entitled to continue in attendance. If the re-
13 cords do not comply, the administrator shall notify the local health depart-
14 ment and shall transmit any records concerning the child’s immunization
15 status to the local health department.

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

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

29 “(9) The administrator shall be responsible for updating the [*statement*]
30 **document** described in subsection (1)(a) of this section as necessary to re-

1 flect the current status of the immunization of the child and the time at
2 which the child comes into compliance with immunizations against the
3 restrictable diseases prescribed by rules of the authority pursuant to ORS
4 433.273.

5 “(10) Nothing in this section shall be construed as relieving agencies, in
6 addition to school districts, which are involved in the maintenance and
7 evaluation of immunization records on April 27, 1981, from continuing re-
8 sponsibility for these activities.

9 “(11) All [*statements*] **documents** required by this section shall be on
10 forms approved or provided by the authority.

11 “(12) In lieu of signed [*statements from practitioners of the healing arts*]
12 **documents from practitioners**, the authority may accept immunization re-
13 cord updates using practitioner documented immunization records generated
14 by electronic means or on unsigned practitioner letterhead if the authority
15 determines such records are accurate.

16 “(13) As used in this section:

17 “(a) ‘Newly entering child’ means a child who is initially attending:

18 “(A) A facility in this state;

19 “(B) A school at the entry grade level;

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

21 or

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

24 “(b) ‘Transferring child’ means a child moving from:

25 “(A) One facility to another facility;

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

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

29 **“SECTION 2.** ORS 433.273 is amended to read:

30 “433.273. The Oregon Health Authority shall adopt rules pertaining to the

1 implementation of ORS 433.235 to 433.284, which shall include, but need not
2 be limited to:

3 “(1) The definition of ‘restrictable’ disease;

4 “(2) The required immunization against diseases, including rubella, con-
5 sidered to be dangerous to the public health under ORS 433.267;

6 “(3) The time schedule for immunization;

7 “(4) The approved means of immunization;

8 “(5) The procedures and time schedule whereby children may be excluded
9 from attendance in schools or facilities, including service of notice to par-
10 ents;

11 “(6) The manner in which immunization records for children are estab-
12 lished, evaluated and maintained;

13 “(7) The exempted schools and children’s facilities; [*and*]

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

15 **“(9) The process for approving a vaccine educational module;**

16 **“(10) Criteria for a vaccine educational module, including the re-**
17 **quirement that a vaccine educational module present information that**
18 **is consistent with information published by the Centers for Disease**
19 **Control and Prevention concerning:**

20 **“(a) Epidemiology;**

21 **“(b) The prevention of disease through the use of vaccinations; and**

22 **“(c) The safety and efficacy of vaccines; and**

23 **“(11) Documentation required to verify completion of a vaccine ed-**
24 **ucational module, including the qualifications of persons who may**
25 **certify the completion.”.**

26 Delete lines 35 through 37 and insert:

27 **“SECTION 4. The amendments to ORS 433.267 by section 1 of this**
28 **2013 Act apply to a child who, on or after the operative date specified**
29 **in section 5 of this 2013 Act:**

30 **“(1) Enters kindergarten or a children’s facility;**

1 **“(2) Transfers to a school or children’s facility if the school or**
2 **children’s facility does not have on a file a statement that complied**
3 **with ORS 433.267 (1)(c) before the operative date specified in section 5**
4 **of this 2013 Act; or**

5 **“(3) Changes or resubmits a statement:**

6 **“(a) That is currently on file at a school or children’s facility; and**

7 **“(b) That complied with ORS 433.267 (1)(c) before the operative date**
8 **specified in section 5 of this 2013 Act.”.**

9 In line 39, delete “January” and insert “March”.

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