
MEMORANDUM

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To: Human Services Subcommittee of the Joint Committee on Ways and Means

From: Kim To, Legislative Fiscal Office, 503-986-1830

Date: Tuesday, June 23, 2015

Subject: SB 895 Relating to child immunizations
Work Session Recommendation

Senate Bill 895 requires schools and children facilities to report annually to the Oregon Health Authority on the number of children served by the school or facility who are in attendance conditionally because of an incomplete immunization schedule. The bill also requires local health departments to make available data on the immunization rate, by disease, of children in the area. OHA is required to help compile this data if requested. Schools and children facilities are, in turn, required to make this information available to parents

The measure previously had hearings in the Senate Committee on Education on 4/9/2015 and 4/21/2015.

The original staff measure summary and the fiscal impact statement are attached to this memo, and available on the Oregon Legislative Information System (OLIS).

Fiscal Impact

Minimal fiscal impact.

Motion

Motion: Senator/Representative _____:
I move SB 895 to the Full Committee with a “do pass” recommendation.

Assignment of Carriers

Full: _____

Senate: _____

House: _____

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 895 - A

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Krista McDowell
Reviewed by: Doug Wilson, Linda Ames
Date: 5/21/2015

Measure Description:

Requires schools and children's facilities to make available certain information related to immunizations.

Government Unit(s) Affected:

Department of Education, School Districts, Counties, Oregon Health Authority (OHA)

Analysis:

The proposed legislation has been determined to have
MINIMAL EXPENDITURE IMPACT
on state or local government.

While this individual measure has a “Minimal” fiscal impact, an agency may incur a net fiscal impact greater than minimal depending on the cumulative impact of all measures enacted into law that affect the agency.

STAFF MEASURE SUMMARY**Senate Committee On Education****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/21/15**Action:** Do Pass With Amendments And Requesting Referral To Ways And Means.
(Printed A-Engrossed.)**Meeting Dates:** 04/09, 04/21**Vote:**

Yeas: 4 - Beyer, Gelsler, Hass, Roblan

Nays: 3 - Baertschiger Jr, Knopp, Kruse

Prepared By: Gretchen Engbring, Committee Administrator**WHAT THE MEASURE DOES:**

Requires each school and children's facility report annually to Oregon Health Authority (OHA) on number of children in area served by school or facility who are in attendance conditionally because of incomplete immunization schedule. Requires each local health department make available to each school and children's facility in area served data on immunization rate, by disease, of children in area. Allows OHA to assist local health departments in compiling data for specified data. Requires each school and children's facility make available immunization data by disease at main office, online where possible, and through specified paper document or electronic communication. Specifies timeline for providing immunization data. Requires Superintendent of Public Instruction include in school district and school performance report information related to number of children served in district and number of children susceptible to restrictable disease. Repeals section 4, chapter 516, Oregon Laws 2013. Declare emergency, effective on passage.

ISSUES DISCUSSED:

- Existing data on immunization rates provided by OHA
- Student privacy and aggregate data on immunization rates
- Herd immunity
- Individual versus public rights
- Non-medical exemptions
- Online vaccine education module
- Outbreaks and incidence of preventable disease
- Information needed to allow parents to make informed decisions about immunization
- Purview of Senate Committee on Education versus Senate Committee on Health Care

EFFECT OF COMMITTEE AMENDMENT:

Replaces the measure.

BACKGROUND:

Under ORS 433.269, local health departments are required to provide immunizations at convenient times and locations, to be administered under the direction of the local health officer. The local health department and each school and children's facility are required to report annually to the OHA on the number of children in the area served and the number of children who are susceptible to restrictable disease. Students exempted under ORS

433.267 are considered susceptible. Additionally, the administrator is required to maintain immunization records of children, including children in conditional attendance due to incomplete immunizations or exemptions.

Senate Bill 895-A requires specific reporting, posting, and communication of aggregate data on immunization rates for OHA, local health departments, schools, children's facilities, and the Superintendent of Public Instruction.

The bill additionally repeals section 4, chapter 516, Oregon Laws 2013. Section 4 excused children who had received exemptions from immunization prior to the passage of the Act from undertaking the new requirements for exemption that were established in 2013. Repealing section 4 would consequently require all children, as a condition of attendance in any school or children's facility, to adhere to the guidelines for receiving an accepted exemption from immunization as established in ORS 433.267 (immunization of school children).

A-Engrossed
Senate Bill 895

Ordered by the Senate April 27
Including Senate Amendments dated April 27

Sponsored by Senators STEINER HAYWARD, BATES, THOMSEN; Senators HASS, MONNES ANDERSON, MONROE, ROBLAN, SHIELDS

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.

Requires schools and children's facilities to make available certain information related to immunizations.

Directs Superintendent of Public Instruction to include certain information related to immunizations on school district and school performance reports.

Makes certain provisions relating to immunization apply to all children attending school or children's facility during or after 2015-2016 school year.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to child immunizations; creating new provisions; amending ORS 329.105, 433.269 and
3 433.273; repealing section 4, chapter 516, Oregon Laws 2013; and declaring an emergency.

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

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

6 433.269. (1) Local health departments shall make [*available immunizations to be administered*]
7 **immunizations available for administration** under the direction of [*the*] a local health officer in
8 convenient areas and at convenient times. [*No person shall be refused service because of inability to*
9 *pay.*] **A local health department may not refuse to administer an immunization to a person**
10 **because the person is unable to pay for the immunization.**

11 (2)(a) [*The*] **Each** local health department [*and all schools and children's facilities*], **school and**
12 **children's facility** shall report annually to the Oregon Health Authority on:

13 (A) The number of children in the area served by **the local health department, school or**
14 **children's facility** [*and*]; **and**

15 (B) The number of children **in the area served by the local health department, school or**
16 **children's facility** who are susceptible to restrictable disease as prescribed by the authority's rules
17 pursuant to ORS 433.273.

18 (b) **Each school and children's facility shall report annually to the authority on the**
19 **number of children in the area served by the school or children's facility who are in attend-**
20 **ance at the school or children's facility conditionally because of an incomplete immunization**
21 **schedule.**

22 (c) **Each local health department shall make available to each school and children's fa-**
23 **ility in the area served by the local health department data on the immunization rate, by**
24 **disease, of children in the area. Upon request, the authority shall assist local health depart-**
25 **ments in compiling data for purposes of this paragraph.**

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 (d) A child exempted under ORS 433.267 [*shall be considered to be*] is susceptible[,] to
2 restrictable disease for purposes of this subsection.

3 (3)(a) For the purpose of providing parents with the information necessary to protect
4 their children's health, each school and children's facility shall make available the informa-
5 tion reported and received by the school and children's facility pursuant to subsection (2) of
6 this section:

7 (A) At the main office of the school or children's facility;

8 (B) On the school's or school district's website or on the children's facility's website, if
9 available; and

10 (C) To the parents of the children who attend the school or children's facility, in the form
11 of a paper document or electronic communication that includes the information in a clear
12 and easy to understand manner.

13 (b) The information required to be made available under paragraph (a) of this subsection
14 must be made available at the beginning of each school year and not later than one month
15 after the date that children may be excluded as provided by ORS 433.267.

16 [(3)] (4) The administrator of a school or children's facility shall maintain immunization re-
17 cords of children, including children who are in attendance at the school or children's facility
18 conditionally because of an incomplete immunization [*schedules*] schedule and children who are
19 exempted [*under*] as described in ORS 433.267 (1)(b) and (c).

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

21 433.273. The Oregon Health Authority shall adopt rules pertaining to the implementation of ORS
22 433.235 to 433.284, which shall include, but need not be limited to:

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

24 (2) The required immunization against diseases[, *including rubella, considered to be dangerous to*
25 *the public health under ORS 433.267*];

26 (3) The time schedule for immunization;

27 (4) The approved means of immunization;

28 (5) The procedures and time schedule whereby children may be excluded from attendance in
29 schools or [*facilities, including*] children's facilities under ORS 433.267 (1)(b) and (c), provided
30 that the authority includes as part of those procedures service of notice to parents;

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

33 (7) [*The exempted*] Exemptions for schools and children's facilities[;], including exemptions
34 from the reporting requirements of ORS 433.269 (2) and exemptions from the requirement
35 under ORS 433.269 (3) to make information available;

36 (8) The implementation of ORS 433.282 and 433.283;

37 (9) The process for approving a vaccine educational module;

38 (10) Criteria for a vaccine educational module, including the requirement that a vaccine educa-
39 tional module present information that is consistent with information published by the Centers for
40 Disease Control and Prevention concerning:

41 (a) Epidemiology;

42 (b) The prevention of disease through the use of vaccinations; and

43 (c) The safety and efficacy of vaccines; and

44 (11) Documentation required to verify completion of a vaccine educational module, including the
45 qualifications of persons who may certify the completion.

1 **SECTION 3.** ORS 329.105 is amended to read:

2 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual
3 school district and school performance reports to provide information to parents and to improve
4 schools.

5 (2) The superintendent shall include in the school district and school performance reports data
6 for the following areas, for each school or district, that are available to the Department of Educa-
7 tion from the most recent school year:

8 (a) Data required by the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425);

9 (b) Information about how to access the website that is maintained by the State Department of
10 Geology and Mineral Industries as provided by ORS 516.030 (6)(b); *[and]*

11 **(c) Information related to the number of children served in the district and the number**
12 **of children who are susceptible to restrictable disease, as reported under ORS 433.269 (2)(a);**
13 **and**

14 *[(c)]* **(d)** Any other data identified by the Department of Education as required by federal law
15 to be in the reports.

16 (3) In addition to the data required by subsection (2) of this section, the superintendent may
17 include other data on the school district and school performance reports.

18 (4) The department shall work with stakeholders to:

19 (a) Design and implement an accountability system of progressive interventions for schools and
20 school districts that do not demonstrate improvement; and

21 (b) Provide technical assistance to schools and school districts that do not demonstrate im-
22 provement.

23 **SECTION 4. Section 4, chapter 516, Oregon Laws 2013, is repealed.**

24 **SECTION 5. (1) Except as provided in rules adopted pursuant to ORS 433.273 (7), each**
25 **local health department, school and children's facility must first make available information**
26 **as required by ORS 433.269, as amended by section 1 of this 2015 Act, during the 2015-2016**
27 **school year.**

28 **(2) The amendments to ORS 329.105 by section 3 of this 2015 Act first apply to the annual**
29 **reports produced for the 2015-2016 school year.**

30 **(3) ORS 433.267, as amended by section 1, chapter 516, Oregon Laws 2013, applies to all**
31 **children attending a school or children's facility during or after the 2015-2016 school year.**

32 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
34 **on its passage.**