

Enrolled
Senate Bill 895

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 433.269 is amended to read:

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

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

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

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

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

(c) **Each local health department shall make available to each school and children's facility in the area served by the local health department data on the immunization rate, by disease, of children in the area. Upon request, the authority shall assist local health departments in compiling data for purposes of this paragraph.**

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

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

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

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

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

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

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

SECTION 2. ORS 433.273 is amended to read:

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

- (1) The definition of "restrictable" disease;
- (2) The required immunization against diseases[, including rubella, considered to be dangerous to the public health under ORS 433.267];
- (3) The time schedule for immunization;
- (4) The approved means of immunization;
- (5) The procedures and time schedule whereby children may be excluded from attendance in schools or [facilities, including] children's facilities under ORS 433.267 (1)(b) and (c), provided that the authority includes as part of those procedures service of notice to parents;
- (6) The manner in which immunization records for children are established, evaluated and maintained;
- (7) [The exempted] Exemptions for schools and children's facilities[;], including exemptions from the reporting requirements of ORS 433.269 (2) and exemptions from the requirement under ORS 433.269 (3) to make information available;
- (8) The implementation of ORS 433.282 and 433.283;
- (9) The process for approving a vaccine educational module;
- (10) Criteria for a vaccine educational module, including the requirement that a vaccine educational module present information that is consistent with information published by the Centers for Disease Control and Prevention concerning:
 - (a) Epidemiology;
 - (b) The prevention of disease through the use of vaccinations; and
 - (c) The safety and efficacy of vaccines; and
- (11) Documentation required to verify completion of a vaccine educational module, including the qualifications of persons who may certify the completion.

SECTION 3. ORS 329.105 is amended to read:

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

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

- (a) Data required by the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425);
- (b) Information about how to access the website that is maintained by the State Department of Geology and Mineral Industries as provided by ORS 516.030 (6)(b); [and]

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

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

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

(4) The department shall work with stakeholders to:

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

(b) Provide technical assistance to schools and school districts that do not demonstrate improvement.

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

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

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

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

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

Passed by Senate June 30, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 2, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State