

**PROPOSED AMENDMENTS TO
SENATE BILL 442**

1 In line 2 of the printed bill, after the semicolon insert “creating new
2 provisions; amending ORS 433.102, 433.267 and 433.273;”.

3 Delete lines 5 through 17 and insert:

4 **“SECTION 1. Section 2 of this 2015 Act is added to and made a part
5 of ORS 433.235 to 433.284.**

6 **“SECTION 2. The Legislative Assembly finds and declares that:**

7 **“(1) School immunization requirements mandated by state legisla-
8 tures have played a major role in achieving and maintaining low rates
9 of vaccine-preventable diseases in the United States;**

10 **“(2) All states and the District of Columbia require children enter-
11 ing the public school system to provide documentation of having met
12 a state immunization requirement;**

13 **“(3) State laws requiring immunizations and providing for the doc-
14 umentation of the immunization status of children should be viewed
15 as part of the efforts to control or eliminate vaccine-preventable dis-
16 eases;**

17 **“(4) When the rate at which children are opted out of state immu-
18 nization requirements increases, individual and community risks as-
19 sociated with vaccine-preventable diseases also increase;**

20 **“(5) State laws that provide exemptions to a state immunization
21 requirement, either by exempting persons from the requirement on the
22 basis of personal belief or by creating a process whereby a child may**

1 easily be opted out of the requirement, lead to high numbers of chil-
2 dren not having met the state immunization requirement and lead to
3 an increase in the risks associated with vaccine-preventable diseases;

4 “(6) Certain children are unable to be immunized for a medical
5 reason, including children who are under the age of one, children with
6 immune disorders caused by chemotherapy or other factors and chil-
7 dren who have a naturally suppressed immune system;

8 “(7) As the rate of immunizations among all children increases, the
9 risks associated with vaccine-preventable diseases for children who are
10 unable to be immunized decreases;

11 “(8) The immunization rate of children in this state is not sufficient
12 to protect children who are unable to be immunized, with all counties
13 falling below the rate at which ‘herd immunity’ prevents the spread
14 of vaccine-preventable diseases, such as mumps, measles and rubella;

15 “(9) Children who are not immunized are also in danger of con-
16 tracting noncontagious vaccine-preventable diseases, such as tetanus;

17 “(10) The Centers for Disease Control and Prevention currently re-
18 commend routine vaccinations for 17 vaccine-preventable diseases for
19 all children who are able to be immunized;

20 “(11) The National Institutes of Health similarly recommends rou-
21 tine vaccinations for vaccine-preventable diseases for all children who
22 are able to be immunized;

23 “(12) States that do not have laws providing an exemption to a state
24 immunization requirement for nonmedical reasons, such as
25 Mississippi, maintain a high rate of immunization among all children
26 and benefit from a decrease in the risks associated with vaccine-
27 preventable diseases;

28 “(13) All democratic societies should try to balance the rights and
29 views of a variety of constituencies; and

30 “(14) Children who are unable to be immunized for medical reasons

1 **should be granted an exemption to any relevant state immunization**
2 **requirement.**

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

4 “433.267. (1) As a condition of [*attendance in any*] **attending a** school or
5 children’s facility in this state, every child through grade 12 shall submit to
6 the administrator **of the school or facility**, unless the school or facility the
7 child attends already has on file a record that indicates that the child has
8 received immunizations against the restrictable diseases prescribed by rules
9 of the Oregon Health Authority [*as provided in*] **pursuant to** ORS 433.273,
10 one of the following:

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

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

20 “[*(c) A document, on a form prescribed by the authority by rule and signed*
21 *by the parent of the child, stating that the parent is declining one or more*
22 *immunizations on behalf of the child. A document submitted under this para-*
23 *graph:*]

24 “[*(A) May include the reason for declining the immunization, including*
25 *whether the parent is declining the immunization because of a religious or*
26 *philosophical belief; and*]

27 “[*(B) Must include either:*]

28 “[*(i) A signature from a health care practitioner verifying that the health*
29 *care practitioner has reviewed with the parent information about the risks and*
30 *benefits of immunization that is consistent with information published by the*

1 Centers for Disease Control and Prevention and the contents of the vaccine
2 educational module approved by the authority pursuant to rules adopted under
3 ORS 433.273; or]

4 “[*ii*] A certificate verifying that the parent has completed a vaccine edu-
5 cational module approved by the authority pursuant to rules adopted under
6 ORS 433.273.]

7 “(2)(a) A newly entering child or a transferring child [*shall be required*
8 *to*] **must** submit the document described in subsection (1) of this section
9 prior to attending the school or **children’s** facility.

10 “(b) Notwithstanding paragraph (a) of this subsection, a child transferring
11 from a school in the United States must submit the document [*required by*]
12 **described in** subsection (1) of this section not later than the exclusion date
13 [*set by rule of the authority*] **established by the authority by rule.**

14 “(3) [*Persons who have*] **A person who has** been emancipated pursuant
15 to ORS 419B.558 or who [*have*] **has** reached the age of consent for medical
16 care pursuant to ORS 109.640 may sign [*those documents on their own*
17 *behalf*], **on the person’s own behalf, the document** otherwise requiring
18 the [*signatures of parents*] **signature of a parent** under subsection (1) of this
19 section.

20 “(4) The administrator **of a school or children’s facility** shall conduct
21 a primary evaluation of [*the records*] **each document** submitted [*pursuant*
22 *to*] **under** subsection (1) of this section to determine whether the child is
23 entitled to begin attendance by reason of having submitted a document that
24 complies with the requirements of subsection (1) of this section.

25 “(5) If the [*records do*] **document submitted by a child under sub-**
26 **section (1) of this section does** not meet the initial minimum requirements
27 established **by the authority** by rule, the [*child may not be allowed to*
28 *attend*] **administrator of the school or children’s facility may not allow**
29 **the child to attend the school or facility** until the requirements are met.
30 If the [*records meet*] **document meets** the initial minimum requirements,

1 *[the child shall be allowed to attend]* **the administrator shall allow the**
2 **child to attend the school or facility.**

3 “(6) At the time specified by the authority by rule, *[records for children*
4 *meeting]* **a document that meets** the initial minimum requirements **as de-**
5 **scribed in subsection (5) of this section** and records previously on file **at**
6 **the school or children’s facility as described in subsection (1) of this**
7 **section** shall be reviewed for completion of requirements by the administra-
8 tor **of the school or facility** to determine whether the child *[is entitled to*
9 *continue in attendance]* **may continue to attend the school or facility.** If
10 the **document or** records do not comply, the administrator shall notify the
11 local health department and *[shall transmit any]* **submit the document or**
12 records *[concerning the child’s immunization status]* to the local health de-
13 partment.

14 “(7) *[The]* **A** local health department shall *[provide for a secondary evalu-*
15 *ation of the records]* **evaluate a document or records submitted to the**
16 **local health department under subsection (6) of this section** to deter-
17 mine whether the child should be excluded for noncompliance with the re-
18 quirements *[stated in]* **of** subsection (1) of this section. If the child is
19 determined to be in noncompliance, the local health department shall issue
20 an exclusion order and *[shall]* send copies of the order to the parent **of the**
21 **child**, or the person who is emancipated or has reached the age of
22 *[majority]* **consent for medical care**, and the administrator **of the school**
23 **or children’s facility.** On the effective date of the order, the administrator
24 shall exclude the child from the school or facility and **may** not allow the
25 child to attend the school or facility until the requirements of this section
26 have been met.

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

30 “(9) The administrator **of the school or children’s facility** shall be re-

1 sponsible for updating [*the*] **any** document [*described in*] **submitted under**
2 subsection (1)(a) of this section as necessary to reflect the current status of
3 the immunization of the child **who submitted the document** and the time
4 at which the child comes into compliance with immunizations against the
5 restrictable diseases prescribed by rules of the authority pursuant to ORS
6 433.273.

7 “(10) Nothing in this section shall be construed as relieving agencies, in
8 addition to school districts, [*which*] **that** are involved in the maintenance
9 and evaluation of immunization records on April 27, 1981, from continuing
10 [*responsibility for these*] **to be responsible for such** activities.

11 “(11) All documents required by this section shall be on forms approved
12 or provided by the authority.

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

18 “(13) As used in this section:

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

20 “(A) A **children’s** facility in this state;

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

22 “(C) **After receiving homeschooling**, either a school at any grade level
23 or a **children’s** facility [*from homeschooling*]; or

24 “(D) **After entering the United States from another country**, a school
25 at any grade level or a **children’s** facility [*after entering the United States*
26 *from another country*].

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

28 “(A) One **children’s** facility to another **children’s** facility;

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

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

2 **“SECTION 4.** ORS 433.273 is amended to read:

3 “433.273. The Oregon Health Authority shall adopt rules pertaining to the
4 implementation of ORS 433.235 to 433.284, which shall include, but need not
5 be limited to:

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

7 “(2) The required immunization against diseases, [*including rubella, con-*
8 *sidered to be dangerous to the public health under ORS 433.267*] **provided**
9 **that the authority requires immunization against rubella;**

10 “(3) The time schedule for immunization;

11 “(4) The approved means of immunization;

12 “(5) The procedures and time schedule whereby children may be excluded
13 from attendance in schools or **children’s** facilities, [*including*] **provided**
14 **that the authority includes as part of those procedures** service of notice
15 to parents;

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

18 “(7) The exempted schools and children’s facilities; **and**

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

20 “[*(9) The process for approving a vaccine educational module;*]

21 “[*(10) Criteria for a vaccine educational module, including the requirement*
22 *that a vaccine educational module present information that is consistent with*
23 *information published by the Centers for Disease Control and Prevention con-*
24 *cerning;*]

25 “[*(a) Epidemiology;*]

26 “[*(b) The prevention of disease through the use of vaccinations; and*]

27 “[*(c) The safety and efficacy of vaccines; and*]

28 “[*(11) Documentation required to verify completion of a vaccine educational*
29 *module, including the qualifications of persons who may certify the*
30 *completion.*]

1 **“SECTION 5.** ORS 433.102 is amended to read:

2 “433.102. (1) Nothing in ORS 433.090 to 433.102 is intended to affect the
3 responsibility of a parent or guardian to have a child of that parent or
4 guardian properly immunized.

5 “(2) Nothing in ORS 433.090 to 433.102 is intended to require immuniza-
6 tion or tracking of any child otherwise exempt from immunization require-
7 ments under ORS 433.267 (1)(b) [*or (c)*].

8 **“SECTION 6. (1) The amendments to ORS 433.267, 433.273 and 433.102**
9 **by sections 3 to 5 of this 2015 Act apply to children who attend a school**
10 **or children’s facility in this state during and after the 2015-2016 school**
11 **year.**

12 **“(2)(a) For purposes of requiring each child who is not a newly en-**
13 **tering child or a transferring child, as those terms are defined in ORS**
14 **433.267, to meet the requirements described in ORS 433.267 (1)(a) or (b),**
15 **the Oregon Health Authority shall adopt by rule a time schedule by**
16 **which children who have not provided documentation under ORS**
17 **433.267 (1)(a) or (b) must submit to the administrator, as that term is**
18 **defined in ORS 433.235, a document that meets the requirements of**
19 **ORS 433.267 (1)(a) or (b).**

20 **“(b) The schedule adopted under paragraph (a) of this subsection**
21 **may impose different dates by which children of different ages, or**
22 **children attending different types of schools or facilities, must submit**
23 **the documents described in paragraph (a) of this subsection.**

24 **“SECTION 7. This 2015 Act being necessary for the immediate**
25 **preservation of the public peace, health and safety, an emergency is**
26 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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