

**PROPOSED AMENDMENTS TO
SENATE BILL 895**

1 On page 1 of the printed bill, line 2, after the second semicolon delete the
2 rest of the line and insert “amending ORS 329.105, 433.102, 433.235, 433.260,
3 433.267, 433.269 and 433.273; and declaring an emergency.”.

4 Delete lines 4 through 30 and delete page 2 and insert:

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

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

13 “(a) A document, signed by the parent[, *a practitioner of the healing arts*
14 *who has within the scope of the practitioner’s license the authority*] **of the**
15 **child, a health care practitioner who is authorized under the laws of**
16 **this state** to administer immunizations or a representative of the local
17 health department, certifying the immunizations the child has received[;].

18 **“(b) A document, signed by the parent of the child, a health care**
19 **practitioner who is authorized under the laws of this state to admin-**
20 **ister immunizations or a representative of the local health depart-**
21 **ment, verifying that the child is receiving immunizations in**
22 **accordance with a catch-up immunization schedule recommended by**

1 **the Advisory Committee on Immunization Practices or its successor**
2 **organization and approved by the Centers for Disease Control and**
3 **Prevention.**

4 “[*(b)*] (c) A document, signed by a physician [*or a representative of the*
5 *local health department*], **physician assistant or nurse practitioner**, stat-
6 ing that the child should be exempted from receiving a specified immuniza-
7 tion because of [*indicated medical diagnosis; or*] **a medical indication.**

8 “[*(c)*] (d) A document, on a form prescribed by the authority by rule and
9 signed by the parent of the child, stating that the parent is declining one
10 or more immunizations on behalf of the child. A document submitted under
11 this paragraph:

12 “(A) May include the reason for declining the immunization, including
13 whether the parent is declining the immunization because of a religious or
14 philosophical belief; and

15 “(B) Must include [*either:*]

16 “[*(i)*] a signature from a [*health care practitioner*] **physician, physician**
17 **assistant or nurse practitioner** verifying that the [*health care*
18 *practitioner*] **physician, physician assistant or nurse practitioner** has re-
19 viewed with the parent information about the risks and benefits of immu-
20 nization that is consistent with information published by the Centers for
21 Disease Control and Prevention. [*and the contents of the vaccine educational*
22 *module approved by the authority pursuant to rules adopted under ORS*
23 *433.273; or*]

24 “[*(ii)*] A certificate verifying that the parent has completed a vaccine edu-
25 cational module approved by the authority pursuant to rules adopted under
26 *ORS 433.273.*]

27 “(2)(a) A newly entering child or a transferring child [*shall be required*
28 *to submit the document*] **must submit documentation** described in sub-
29 section (1) of this section prior to attending the school or **children’s** facility.

30 “(b) Notwithstanding paragraph (a) of this subsection, a child transferring

1 from a school in the United States must submit [*the document required by*
2 **documentation described in** subsection (1) of this section not later than
3 [*the*] **an** exclusion date [*set by rule of the authority*] **established by the au-**
4 **thority by rule.**

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

11 “(4) The administrator **of a school or children’s facility** shall conduct
12 a primary evaluation of [*the records*] **documentation** submitted [*pursuant*
13 *to*] **under** subsection (1) of this section to determine whether the child is
14 entitled to begin attendance by reason of having submitted [*a document*]
15 **documentation** that complies with the requirements of subsection (1) of this
16 section.

17 “(5) If [*the records do*] **documentation submitted by a child under**
18 **subsection (1) of this section does** not meet the initial minimum require-
19 ments established **by the authority** by rule, the [*child may not be allowed*
20 *to attend*] **administrator of the school or children’s facility may not**
21 **allow the child to attend the school or facility** until the requirements are
22 met. If the [*records meet*] **documentation meets** the initial minimum re-
23 quirements, [*the child shall be allowed to attend*] **the administrator shall**
24 **allow the child to attend the school or facility.**

25 “(6) [*At the time*] **Not later than the date** specified by the authority by
26 rule, [*records for children meeting*] **documentation that meets** the initial
27 minimum requirements **as described in subsection (5) of this section** and
28 records previously on file **at the school or children’s facility as described**
29 **in subsection (1) of this section** shall be reviewed for completion of **the**
30 requirements by the administrator **of the school or facility** to determine

1 whether the child [*is entitled to continue in attendance*] **may continue to**
2 **attend the school or facility.** If the **documentation or** records do not
3 comply, the administrator shall notify the local health department and [*shall*
4 *transmit any*] **submit the documentation or** records [*concerning the child's*
5 *immunization status*] to the local health department.

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

19 “(8) The administrator **of the school or children’s facility** shall readmit
20 the child to the school or facility when in the judgment of the local health
21 department the child is in compliance with the requirements of **subsection**
22 **(1) of** this section.

23 “(9) The administrator **of the school or children’s facility** shall be re-
24 sponsible for updating [*the document described in*] **any document submitted**
25 **under** subsection (1)(a) of this section as **is** necessary to reflect the current
26 status of the immunization of the child **who submitted the document** and
27 the time at which the child [*comes*] **came** into compliance with immuniza-
28 tions against the restrictable diseases prescribed by rules of the authority
29 pursuant to ORS 433.273.

30 “(10) Nothing in this section shall be construed as relieving agencies, in

1 addition to school districts, *[which]* **that** are involved in the maintenance
2 and evaluation of immunization records on April 27, 1981, from continuing
3 *[responsibility for these]* **to be responsible for such** activities.

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

6 “(12) In lieu of **the** signed documents *[from practitioners]* **described in**
7 **subsection (1)(a) and (b) of this section**, the authority may accept immu-
8 nization record updates using *[practitioner documented]* immunization records
9 generated by electronic means or on unsigned *[practitioner]* letterhead if the
10 authority determines *[such]* **the** records are accurate.

11 “(13) As used in this section:

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

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

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

15 “(C) **After receiving homeschooling or being enrolled in a virtual**
16 **public charter school**, *[either]* a school at any grade level or a **children’s**
17 facility *[from homeschooling]*; or

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

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

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

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

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

26 “**SECTION 2.** ORS 433.235 is amended to read:

27 “433.235. As used in ORS 433.235 to 433.284:

28 “(1) ‘Administrator’ means the principal or other person having general
29 control and supervision of a school or children’s facility.

30 “(2) ‘Children’s facility’ *[or ‘facility’]* means:

1 “(a) A certified child care facility as described in ORS 329A.030 and
2 329A.250 to 329A.450, except as exempted by rule of the Oregon Health Au-
3 thority;

4 “(b) A program operated by, or sharing the premises with, a certified child
5 care facility, school or post-secondary institution where care is provided to
6 children, six weeks of age to kindergarten entry, except as exempted by rule
7 of the authority; or

8 “(c) A program providing child care or educational services to children,
9 six weeks of age to kindergarten entry, in a residential or nonresidential
10 setting, except as exempted by rule of the authority.

11 “(3) ‘Local health department’ means the district or county board of
12 health, public health officer, public health administrator or health depart-
13 ment having jurisdiction within the area **in which a school or children’s**
14 **facility is located.**

15 “(4) **‘Nurse practitioner’ means a nurse practitioner licensed under**
16 **ORS 678.375 to 678.390.**

17 “[4] (5) ‘Parent’ means a parent or guardian of a child or any adult re-
18 sponsible for the child.

19 “[5] *‘Physician’ means a physician licensed by the Oregon Medical Board*
20 *or by the Oregon Board of Naturopathic Medicine or a physician similarly li-*
21 *censed by another state or country in which the physician practices or a com-*
22 *missioned medical officer of the Armed Forces or Public Health Service of the*
23 *United States.]*

24 “(6) **‘Physician’ means:**

25 **“(a) A person who holds a degree of Doctor of Medicine or Doctor**
26 **of Osteopathy licensed to practice medicine under ORS chapter 677, a**
27 **physician similarly licensed by another state or country, a commis-**
28 **sioned medical officer of the Armed Forces or a commissioned medical**
29 **officer of the United States Public Health Service, or its successor**
30 **organization, within the United States Department of Health and Hu-**

1 **man Services; or**

2 **“(b) A person licensed by the Oregon Board of Naturopathic Medi-**
3 **cine under ORS chapter 685.**

4 **“(7) ‘Physician assistant’ means a physician assistant licensed un-**
5 **der ORS 677.505 to 677.525.**

6 **“[(6)] (8)(a) ‘School’ means a public, private, parochial, charter or alter-**
7 **native educational program offering kindergarten through grade 12 or any**
8 **part thereof, except as exempted by rule of the authority.**

9 **“(b) ‘School’ does not include a virtual public charter school, as**
10 **defined in ORS 338.005.**

11 **“SECTION 3. ORS 433.260, as amended by section 55, chapter 45, Oregon**
12 **Laws 2014, is amended to read:**

13 **“433.260. (1) Whenever [any] an administrator of a school or children’s**
14 **facility has reason to suspect that [any] a child or an employee has or has**
15 **been exposed to [any] a restrictable disease and is required by the rules of**
16 **the Oregon Health Authority to be excluded from a school or children’s fa-**
17 **cility, the administrator shall send [such] the person home and, if the disease**
18 **is one that must be reported to the authority, report the occurrence to the**
19 **local health department by the most direct means available.**

20 **“(2) [Any] A person excluded under subsection (1) of this section may not**
21 **be permitted to be in the school or children’s facility until the person pre-**
22 **sents a certificate from a physician, physician assistant [licensed under ORS**
23 **677.505 to 677.525], nurse practitioner [licensed under ORS 678.375 to**
24 **678.390], local health department nurse or school nurse stating that the per-**
25 **son does not have or is not a carrier of [any] a restrictable disease.**

26 **“SECTION 4. ORS 433.269 is amended to read:**

27 **“433.269. (1) Local health departments shall make [available immuniza-**
28 **tions to be administered] immunizations available for administration un-**
29 **der the direction of [the] a local health officer in convenient areas and at**
30 **convenient times. [No person shall be refused service because of inability to**

1 *pay.*] **A local health department may not refuse to administer an im-**
2 **munization to a person because the person is unable to pay for the**
3 **immunization.**

4 “(2)(a) [*The*] **Each** local health department [*and all schools and children’s*
5 *facilities*], **school and children’s facility** shall report annually to the
6 Oregon Health Authority on the number of children in the area served **by**
7 **the local health department, school or facility** and the number of chil-
8 dren who are susceptible to restrictable disease as prescribed by the
9 authority’s rules pursuant to ORS 433.273. A child exempted under ORS
10 433.267 [*shall be considered to be*] **is susceptible for purposes of this para-**
11 **graph.**

12 “(b) **For the purpose of providing parents with the information**
13 **necessary to protect their children’s health, each school and children’s**
14 **facility shall make available the information reported under paragraph**
15 **(a) of this subsection:**

16 “(A) **At the main office of the school or children’s facility;**

17 “(B) **On the website for the school or school district or the**
18 **children’s facility website, if available; and**

19 “(C) **To the parents of the children who attend the school or**
20 **children’s facility, in the form of a paper document or electronic**
21 **communication that includes the information in a clear and easy to**
22 **understand manner and that is not a part of another document or**
23 **communication.**

24 “(c) **The information required to be made available under paragraph**
25 **(b) of this subsection must:**

26 “(A) **Be made available at the beginning of each school year and**
27 **not later than one month after the date that children may be excluded**
28 **as provided by ORS 433.267 (6); and**

29 “(B) **Include the number of children in the area served by the local**
30 **health department, school or children’s facility and the number of**

1 **children susceptible to restrictable disease who are receiving immu-**
2 **nizations in accordance with a catch-up immunization schedule as**
3 **described in ORS 433.267 (1)(b).**

4 “(3) The administrator **of a school or children’s facility** shall maintain
5 immunization records of children, including children [*in attendance condi-*
6 *tionally because of incomplete immunization schedules and children exempted*
7 *under ORS 433.267.*] **who are receiving immunizations in accordance**
8 **with a catch-up immunization schedule as described in ORS 433.267**
9 **(1)(b) or who are exempt from receiving immunizations under ORS**
10 **433.267 (1)(c) or (d).**

11 **“SECTION 5.** ORS 433.273 is amended to read:

12 “433.273. The Oregon Health Authority shall adopt rules pertaining to the
13 implementation of ORS 433.235 to 433.284, which shall include, but need not
14 be limited to:

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

16 “(2) The required immunization against diseases[, *including rubella, con-*
17 *sidered to be dangerous to the public health under ORS 433.267*];

18 “(3) The time schedule for immunization, **which must allow for**
19 **catch-up immunization schedules as described in ORS 433.267 (1)(b);**

20 “(4) The approved means of immunization;

21 “(5) The procedures and time schedule whereby children may be excluded
22 from attendance in schools or [*facilities, including*] **children’s facilities**
23 **under ORS 433.267 (1)(c) and (d), provided that the authority includes**
24 **as part of those procedures** service of notice to parents;

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

27 “(7) [*The exempted*] **Exemptions for** schools and children’s facilities[;],
28 **including exemptions from the reporting requirements of ORS 433.269**
29 **(2)(a) and exemptions from the requirement under ORS 433.269 (2)(b)**
30 **to make information available; and**

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

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

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

7 “[*(a) Epidemiology;*]

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

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

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

13 **“SECTION 6.** ORS 329.105 is amended to read:

14 “329.105. (1) The Superintendent of Public Instruction shall collect data
15 and produce annual school district and school performance reports to provide
16 information to parents and to improve schools.

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

21 “(a) Data required by the federal No Child Left Behind Act of 2001 (P.L.
22 107-110, 115 Stat. 1425);

23 “(b) Information about how to access the website that is maintained by
24 the State Department of Geology and Mineral Industries as provided by ORS
25 516.030 (6)(b); [*and*]

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

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

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

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

5 “(a) Design and implement an accountability system of progressive inter-
6 ventions for schools and school districts that do not demonstrate improve-
7 ment; and

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

10 **“SECTION 7.** ORS 433.102 is amended to read:

11 “433.102. (1) Nothing in ORS 433.090 to 433.102 is intended to affect the
12 responsibility of a parent or guardian to have a child of that parent or
13 guardian properly immunized.

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

17 **“SECTION 8. (1) The amendments to ORS 433.267 by section 1 of this**
18 **2015 Act apply to all children attending a school or children’s facility**
19 **during or after the 2015-2016 school year.**

20 **“(2) Except as provided in rules adopted pursuant to ORS 433.273 (7),**
21 **each local health department, school and children’s facility must first**
22 **make available information as required by ORS 433.269, as amended**
23 **by section 4 of this 2015 Act, during the 2015-2016 school year.**

24 **“(3) The amendments to ORS 329.105 by section 6 of this 2015 Act**
25 **first apply to the annual reports produced for the 2015-2016 school year.**

26 **“SECTION 9. This 2015 Act being necessary for the immediate**
27 **preservation of the public peace, health and safety, an emergency is**
28 **declared to exist, and this 2015 Act takes effect on its passage.”.**

29