

House Bill 3376

Sponsored by Representative SMITH G

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 **as introduced**.

Directs Oregon Health Authority to establish immunization records retention program.
Becomes operative January 1, 2018.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to immunizations; creating new provisions; amending ORS 433.267 and 433.273; and pre-
3 scribing an effective date.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 433.235 to**
6 **433.284.**

7 **SECTION 2. (1)(a) The Oregon Health Authority shall establish an immunization records**
8 **retention program through which the authority:**

9 **(A) Receives from schools and children's facilities copies or other records of documents**
10 **described in ORS 433.267 (1);**

11 **(B) Retains copies or other records of documents described in ORS 433.267 (1); and**

12 **(C) Provides to schools and children's facilities, upon request, copies or other records of**
13 **documents described in ORS 433.267 (1).**

14 **(b) The authority may not use copies or other records of documents described in ORS**
15 **433.267 (1) for any purpose other than a purpose described in this subsection.**

16 **(2) For each child who attends a school or children's facility, the school or children's**
17 **facility must provide the authority with copies or other records of documents described in**
18 **ORS 433.267 (1) that pertain to the child.**

19 **(3) Before providing the authority with the copies or other records of documents de-**
20 **scribed in ORS 433.267 (1) that pertain to an individual child, a school or children's facility**
21 **must, in a form and manner prescribed by the authority, inform the parent of the child or,**
22 **if the child is emancipated or has reached the age of majority, the child, of the immunization**
23 **records retention program, provided that the school or children's facility includes as part**
24 **of that information notice a statement that the child's participation in the program will allow**
25 **the authority to provide copies and other records of documents described in ORS 433.267 (1)**
26 **for purposes described in subsection (1) of this section.**

27 **(4) Copies or other records of documents described in ORS 433.267 (1) retained by the**
28 **authority under this section are exempt from public disclosure under ORS 192.410 to 192.505,**
29 **and the authority may not disclose the copies or other records for any purpose not author-**
30 **ized by this section.**

31 **(5) The authority may adopt fees, to be paid at the time that the authority receives or**

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 **provides copies or other records of documents described in ORS 433.267 (1), that are rea-**
 2 **sonably calculated to not exceed the costs of administering the immunization records re-**
 3 **tion program.**

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

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

10 **(1) Unless the school or facility already has on file a record that indicates that the child**
 11 **has received immunizations against the restrictable diseases prescribed by rules of the**
 12 **Oregon Health Authority pursuant to ORS 433.273, as a condition of attending a school or**
 13 **children's facility in this state, every child through grade 12 shall submit to the administra-**
 14 **tor of the school or facility, or shall direct the administrator of the school or facility to ac-**
 15 **quire from the immunization records retention program established under section 2 of this**
 16 **2017 Act, one of the following:**

17 (a) A document, signed by the parent **of the child**, *[a practitioner of the healing arts who has*
 18 *within the scope of the practitioner's license the authority]* **a health care practitioner who is au-**
 19 **thorized under the laws of this state** to administer immunizations or a representative of the local
 20 health department, certifying the immunizations the child has received;

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

24 (c) A document, on a form prescribed by the authority by rule and signed by the parent of the
 25 child, stating that the parent is declining one or more immunizations on behalf of the child. A doc-
 26 ument submitted under this paragraph:

27 (A) May include the reason for declining the immunization, including whether the parent is de-
 28 clining the immunization because of a religious or philosophical belief; and

29 (B) Must include either:

30 (i) A signature from a health care practitioner verifying that the health care practitioner has
 31 reviewed with the parent information about the risks and benefits of immunization that is consistent
 32 with information published by the Centers for Disease Control and Prevention and the contents of
 33 the vaccine educational module approved by the authority pursuant to rules adopted under ORS
 34 433.273; or

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

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

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

42 **(2)(a) A newly entering child or a transferring child must submit, or direct the adminis-**
 43 **trator of a school or children's facility to acquire from the immunization records retention**
 44 **program established under section 2 of this 2017 Act, the document described in subsection**
 45 **(1) of this section prior to attending the school or children's facility.**

1 **(b) Notwithstanding paragraph (a) of this subsection, a transferring child from a school**
2 **must submit, or direct the administrator of a school to acquire from the immunization re-**
3 **ords retention program established under section 2 of this 2017 Act, the document described**
4 **in subsection (1) of this section not later than the exclusion date established by the authority**
5 **by rule.**

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

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

14 (5) If the *[records do]* **document submitted by a child under subsection (1) of this section**
15 **does** not meet the initial minimum requirements established **by the authority** by rule, the *[child*
16 *may not be allowed to attend]* **administrator of the school or children's facility may not allow**
17 **the child to attend the school or facility** until the requirements are met. If the *[records meet]*
18 **document meets** the initial minimum requirements, *[the child shall be allowed to attend]* **the ad-**
19 **ministrator shall allow the child to attend the school or facility.**

20 (6) At the time specified by the authority by rule, *[records for children meeting]* **a document**
21 **that meets** the initial minimum requirements **as described in subsection (5) of this section** and
22 records previously on file **at the school or children's facility as described in subsection (1) of**
23 **this section** shall be reviewed for *[completion of requirements]* **compliance with the requirements**
24 by the administrator **of the school or facility** to determine whether the child *[is entitled to continue*
25 *in attendance]* **may continue to attend the school or facility.** If the **document or** records do not
26 comply, the administrator shall notify the local health department and *[shall transmit any]* **submit**
27 **the document or** records *[concerning the child's immunization status]* to the local health depart-
28 ment.

29 (7) *[The]* **A** local health department shall *[provide for a secondary evaluation of the records]*
30 **evaluate a document or records submitted to the local health department under subsection**
31 **(6) of this section** to determine whether the child should be excluded for noncompliance with the
32 requirements *[stated in]* **of** subsection (1) of this section. If the child is determined to be *[in non-*
33 *compliance]* **not in compliance**, the local health department shall issue an exclusion order and
34 *[shall]* send copies of the order to the parent **of the child** or *[the person who]*, **if the child** is
35 emancipated or has reached the age of majority, **to the child**, and **to the administrator of the**
36 **school or children's facility.** On the effective date of the order, the administrator shall exclude the
37 child from the school or facility and **may** not allow the child to attend the school or facility until
38 the requirements of this section have been met.

39 (8) The administrator **of the school or children's facility** shall readmit the child to the school
40 or facility when in the judgment of the local health department the child is in compliance with the
41 requirements of this section.

42 (9) The administrator **of the school or children's facility** *[shall be]* **is** responsible for updating
43 *[the]* **any** document *[described in]* **submitted under** subsection (1)(a) of this section as necessary to
44 reflect the current status of the immunization of the child **who submitted the document** and the
45 time at which the child comes into compliance with immunizations against the restrictable diseases

1 prescribed by rules of the authority pursuant to ORS 433.273.

2 (10) Nothing in this section shall be construed as relieving agencies, in addition to school dis-
 3 tricts, *[which]* **that** are involved in the maintenance and evaluation of immunization records on April
 4 27, 1981, from continuing *[responsibility for these]* **to be responsible for those** activities.

5 (11) All documents required by this section *[shall]* **must** be on forms approved or provided by
 6 the authority.

7 (12) In lieu of signed documents from **health care** practitioners, the authority may accept im-
 8 munization record updates using *[practitioner documented]* immunization records generated by elec-
 9 tronic means or on unsigned *[practitioner]* letterhead if the authority determines *[such]* **the** records
 10 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**, either a school at any grade level or a **children’s** facility
 16 *[from homeschooling]*; or

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

19 (b) “Transferring child” means a child moving from:

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

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

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

24 **SECTION 4.** ORS 433.273 is amended to read:

25 433.273. The Oregon Health Authority shall adopt rules pertaining to the implementation of ORS
 26 433.235 to 433.284, which shall include, but need not be limited to:

27 (1) The definition of “restrictable” disease;

28 (2) The required immunization against diseases;

29 (3) The time schedule for immunization;

30 (4) The approved means of immunization;

31 (5) The procedures and time schedule whereby children may be excluded from attendance in
 32 schools or children’s facilities under ORS 433.267 (1)(b) and (c), provided that the authority includes
 33 as part of those procedures service of notice to parents;

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

36 (7) Exemptions for schools and children’s facilities, including exemptions from the reporting re-
 37 quirements of ORS 433.269 (2) and exemptions from the requirement under ORS 433.269 (3) to make
 38 information available;

39 (8) The implementation of ORS 433.282 and 433.283 **and section 2 of this 2017 Act**;

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

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

44 (a) Epidemiology;

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

1 (c) The safety and efficacy of vaccines; and
2 (11) Documentation required to verify completion of a vaccine educational module, including the
3 qualifications of persons who may certify the completion.

4 **SECTION 5. (1) Section 2 of this 2017 Act and the amendments to ORS 433.267 and 433.273**
5 **by sections 3 and 4 of this 2017 Act become operative January 1, 2018.**

6 **(2) The Oregon Health Authority may take any action before the operative date specified**
7 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**
8 **after the operative date specified in subsection (1) of this section, all the duties, powers and**
9 **functions conferred on the authority by section 2 of this 2017 Act and the amendments to**
10 **ORS 433.267 and 433.273 by sections 3 and 4 of this 2017 Act.**

11 **SECTION 6. This 2017 Act takes effect on the 91st day after the date on which the 2017**
12 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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