

HB 3063 -1, -2, -10, -11, -12, -13 STAFF MEASURE SUMMARY

House Committee On Health Care

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/28, 3/14

WHAT THE MEASURE DOES:

Removes the ability of a parent or legal guardian to decline immunizations required to enroll in school or child care on behalf of a child for a reason other than a child's medical diagnosis. Directs the Oregon Health Authority to establish outreach and education regarding disease control in schools by January 1, 2020. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Vaccine rates in Oregon
- Medical, religious, and philosophical exemptions to vaccines
- Recent measles outbreak in Southwest Washington and Oregon
- Public health risks due to unvaccinated children; risks to immune-compromised people if unvaccinated
- Community immunity or herd immunity for vaccine preventable diseases
- Safety and efficacy of vaccines in the United States; vaccination schedule
- Vaccine exemptions in other states
- Parents' right to make medical decisions for children; informed consent
- Patient's right to be informed about the potential risks from vaccinations
- Safety of vaccinations and National Child Vaccine Injury Act (1986) and the Vaccine Adverse Reporting System (VAERs)
- Comparing vaccine rates for individual diseases rather than total vaccination rates in Oregon

EFFECT OF AMENDMENT:

-1 Restores religious exemption for vaccine requirements. Restores current vaccine exemption process in Oregon. Restores parental vaccine education module by the Oregon Health Authority.

-2 Allows parents to decline immunizations due to a religious or philosophical belief. Establishes school vouchers. Directs the Oregon Department of Education to issue a voucher to the parent or a child who is not immunized due to a religious or philosophical belief to attend private or parochial school, or if child is taught by parent or private teacher in the child's home. Exempts private or parochial schools from definition of schools. Authorizes rulemaking by the Department of Education and the Oregon Health Authority to implement provisions of the measure.

-10 Restores ability of a parent or guardian to decline one or more immunizations on behalf of a child due to a religious or philosophical belief. Requires a parent or guardian seeking an exemption to receive a certificate from a health care practitioner verifying the practitioner has reviewed information about the risks and benefits of immunization published by the Centers for Disease Control and Prevention and that the parent has completed a vaccine education module approved by the Oregon Health Authority (OHA). Prohibits a parent from declining an immunization against measles, mumps, or rubella because of a religious or philosophical belief. Restores process for approved a vaccine education module by OHA.

-11 Requires specified regulated health care practitioners who has direct contact with patients to submit a record that indicates the practitioner has received immunizations against restrictable diseases. Authorizes regulatory board to adopt rules including preventing a practitioner who does not comply from engaging in their practice.

Immunization requirement for health professionals applies to initial authorizations and renewals of licensure on or after January 1, 2020.

-12 Removes emergency clause.

-13 Removes the allowance, as a condition of attendance in any Oregon school or children's facility, for a parent to decline one or more immunizations on behalf of their child. Allows a child not immunized for a reason other than a medical diagnosis to attend an online education program. Requires such a child to submit to the administrator of the school a document stating that the child is not immunized. Prohibits child not immunized for a reason other than a medical diagnosis from attending school-related activities in person when the child will share physical space with other individuals. Directs OHA to establish an outreach and education plan around immunizations and "restrictable diseases" in schools and children's facilities. Defines "restrictable disease" to mean diphtheria, tetanus, pertussis, polio, measles, rubella, mumps, haemophilus influenza type b, hepatitis A and B, and varicella. Allows a child who is not immunized and has not provided documentation of a medical diagnosis exemption, to continue to attend school until Aug 1, 2020.

BACKGROUND:

The Centers for Disease Control and Prevention (CDC) set the advised U.S. childhood immunization schedule based on recommendations from the Advisory Committee on Immunization Practices. Immunization refers to the process of being vaccinated and developing an immunity to one or more diseases. The CDC determines the schedule based on severity of diseases, safety and efficacy of vaccines at various ages, and how many children could contract a disease without the vaccine.

According to the National Conference of State Legislatures, all 50 states have laws requiring specified vaccines for students related to school entry requirements, with all states allowing exemptions for medical reasons. Forty-seven states have non-medical exemptions on religious grounds, and 17 states allow exemptions for personal or philosophical beliefs. Currently, Oregon allows both medical and non-medical exemptions. A number of states including Oregon require parental education during the exemption process about the benefits of vaccination or the risks of opting out.

As a condition of attending any school in Oregon, every child through grade 12 is required to be immunized against 11 vaccine-preventable diseases: diphtheria, tetanus, pertussis, polio, measles, mumps, rubella, varicella, hepatitis A and B, and haemophilus influenzae type b (Hib). For a child to be exempt from all or part of the immunization requirements, a parent or guardian of a child enrolled in a public, private, or charter schools must provide one of the following:

- certification of immunizations received;
- a statement that a child should be exempted due to medical diagnosis as the child has a medical condition that puts them at risk of harm; or,
- a statement to decline one or more immunizations for non-medical purposes.

The document to decline immunizations for non-medical purposes may include reasons for declining the immunization (e.g., religious or philosophical belief) and must include either a signature from a health care practitioner verifying that they have reviewed information with the parent about risks, benefits, and the contents of a vaccine educational module, or a certificate verifying the parent has completed the vaccine educational module. This educational component has been required for non-medical exemptions in Oregon since 2013. Oregon law also allows immunity documentation, which is a written, signed document from a physician stating that a child does not need to receive one or more specific immunizations because the child already contracted a disease or had a blood test indicating immunity.

House Bill 3063 removes non-medical exemptions for vaccinations required for school-aged children in Oregon.

PRELIMINARY