

**A-Engrossed**  
**House Bill 3063**

Ordered by the House March 21  
Including House Amendments dated March 21

Sponsored by Representative GREENLICK, Senator THOMSEN, Representatives HELT, MITCHELL, SCHOUTEN, WILDE; Representatives DOHERTY, MCKEOWN, POWER, PRUSAK, SMITH WARNER, WILLIAMS, Senator WAGNER

**Corrected 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.

Removes ability of parent to decline required immunizations **against restrictable diseases** on behalf of child for reason other than child's indicated medical diagnosis. **Allows child who is not immunized or exempt for reason of indicated medical diagnosis to attend school that provides education program through online courses. Prohibits child from attending in-person school-related activities. Defines "restrictable diseases." Allows Oregon Health Authority to recommend additional diseases against which children may be immunized.**

Directs Oregon Health Authority to establish outreach and education plan regarding disease control in schools.

**Allows child who is not immunized to continue attending school in person until August 1, 2020.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to health care; creating new provisions; amending ORS 433.102, 433.235, 433.267, 433.269,  
3 433.273 and 433.284; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 433.235 to**  
6 **433.284.**

7 **SECTION 2. (1)(a) Notwithstanding ORS 433.267, a child who is not immunized as required**  
8 **under ORS 433.267 for a reason other than because of an indicated medical diagnosis may**  
9 **attend a school that provides its education program through online courses.**

10 **(b) A child described in this subsection may not attend in person any school-related ac-**  
11 **tivities, events or meetings in which the child will share the same physical space as other**  
12 **individuals.**

13 **(2) A child described in subsection (1) of section shall submit to the administrator of the**  
14 **school:**

15 **(a) A document described in ORS 433.267 (1); or**

16 **(b) A document, on a form prescribed by the Oregon Health Authority and signed by the**  
17 **parent, stating that the child is not immunized as required under ORS 433.267.**

18 **(3) The State Board of Education, in consultation with the authority, may adopt rules to**  
19 **carry out this section.**

20 **SECTION 3. ORS 433.102 is amended to read:**

21 433.102. (1) Nothing in ORS 433.090 to 433.102 is intended to affect the responsibility of a parent  
22 or guardian to have a child of that parent or guardian properly immunized.

**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 (2) Nothing in ORS 433.090 to 433.102 is intended to require immunization or tracking of any  
2 child otherwise exempt from immunization requirements under ORS 433.267 (1)(b) [or (c)].

3 **SECTION 4.** ORS 433.235 is amended to read:

4 433.235. As used in ORS 433.235 to 433.284:

5 (1) "Administrator" means the principal or other person having general control and supervision  
6 of a school or children's facility.

7 (2) "Children's facility" or "facility" means:

8 (a) A certified child care facility as described in ORS 329A.030 and 329A.250 to 329A.450, except  
9 as exempted by rule of the Oregon Health Authority;

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

13 (c) A program providing child care or educational services to children, six weeks of age to  
14 kindergarten entry, in a residential or nonresidential setting, except as exempted by rule of the au-  
15 thority.

16 (3) "Local health department" has the meaning given that term in ORS 431.003.

17 (4) "Parent" means a parent or guardian of a child or any adult responsible for the child.

18 (5) "Physician" means a physician licensed by the Oregon Medical Board or by the Oregon  
19 Board of Naturopathic Medicine or a physician similarly licensed by another state or country in  
20 which the physician practices or a commissioned medical officer of the Armed Forces or Public  
21 Health Service of the United States.

22 **(6) "Restrictable diseases" means the following diseases:**

23 **(a) Diphtheria;**

24 **(b) Tetanus;**

25 **(c) Pertussis;**

26 **(d) Polio;**

27 **(e) Measles;**

28 **(f) Rubella;**

29 **(g) Mumps;**

30 **(h) Haemophilus influenzae type b;**

31 **(i) Hepatitis A and B; and**

32 **(j) Varicella.**

33 [(6)] **(7)** "School" means a public, private, parochial, charter or alternative educational program  
34 offering kindergarten through grade 12 or any part thereof, except as exempted by rule of the au-  
35 thority.

36 **SECTION 5.** ORS 433.267 is amended to read:

37 433.267. (1) As a condition of attendance in any school or children's facility in this state, every  
38 child through grade 12 shall submit to the administrator, unless the school or facility the child at-  
39 tends already has on file a record that indicates that the child has received immunizations against  
40 the restrictable diseases prescribed by rules of the Oregon Health Authority as provided in ORS  
41 433.273, one of the following:

42 (a) A document signed by the parent, a practitioner of the healing arts who has within the scope  
43 of the practitioner's license the authority to administer immunizations or a representative of the  
44 local health department certifying the immunizations the child has received; **or**

45 (b) A document signed by a physician or a representative of the local health department stating

1 that the child should be exempted from receiving specified immunization because of indicated med-  
2 ical diagnosis[; or].

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

6 *[(A) May include the reason for declining the immunization, including whether the parent is de-*  
7 *clining the immunization because of a religious or philosophical belief; and]*

8 *[(B) Must include either:]*

9 *[(i) A signature from a health care practitioner verifying that the health care practitioner has re-*  
10 *viewed with the parent information about the risks and benefits of immunization that is consistent with*  
11 *information published by the Centers for Disease Control and Prevention and the contents of the vac-*  
12 *cine educational module approved by the authority pursuant to rules adopted under ORS 433.273; or]*

13 *[(ii) A certificate verifying that the parent has completed a vaccine educational module approved*  
14 *by the authority pursuant to rules adopted under ORS 433.273.]*

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

17 (b) Notwithstanding paragraph (a) of this subsection, a child transferring from a school in the  
18 United States must submit the document required by subsection (1) of this section not later than the  
19 exclusion date set by rule of the authority.

20 (3) Persons who have been emancipated pursuant to ORS 419B.558 or who have reached the age  
21 of consent for medical care pursuant to ORS 109.640 may sign those documents on their own behalf  
22 otherwise requiring the signatures of parents under subsection (1) of this section.

23 (4) The administrator shall conduct a primary evaluation of the records submitted pursuant to  
24 subsection (1) of this section to determine whether the child is entitled to begin attendance by rea-  
25 son of having submitted a document that complies with the requirements of subsection (1) of this  
26 section.

27 (5) If the records do not meet the initial minimum requirements established by rule, the child  
28 may not be allowed to attend until the requirements are met. If the records meet the initial minimum  
29 requirements, the child shall be allowed to attend.

30 (6) At the time specified by the authority by rule, records for children meeting the initial mini-  
31 mum requirements and records previously on file shall be reviewed for completion of requirements  
32 by the administrator to determine whether the child is entitled to continue in attendance. If the  
33 records do not comply, the administrator shall notify the local health department and shall transmit  
34 any records concerning the child's immunization status to the local health department.

35 (7) The local health department shall provide for a secondary evaluation of the records to de-  
36 termine whether the child should be excluded for noncompliance with the requirements stated in  
37 subsection (1) of this section. If the child is determined to be in noncompliance, the local health  
38 department shall issue an exclusion order and shall send copies of the order to the parent or the  
39 person who is emancipated or has reached the age of majority and the administrator. On the effec-  
40 tive date of the order, the administrator shall exclude the child from the school or facility and not  
41 allow the child to attend the school or facility until the requirements of this section have been met.

42 (8) The administrator shall readmit the child to the school or facility when in the judgment of  
43 the local health department the child is in compliance with the requirements of this section.

44 (9) The administrator shall be responsible for updating the document described in subsection  
45 (1)(a) of this section as necessary to reflect the current status of the immunization of the child and

1 the time at which the child comes into compliance with immunizations against the restrictable dis-  
2 eases prescribed by rules of the authority pursuant to ORS 433.273.

3 (10) Nothing in this section shall be construed as relieving agencies, in addition to school dis-  
4 tricts, which are involved in the maintenance and evaluation of immunization records on April 27,  
5 1981, from continuing responsibility for these activities.

6 (11) All documents required by this section shall be on forms approved or provided by the au-  
7 thority.

8 (12) In lieu of signed documents from practitioners, the authority may accept immunization re-  
9 cord updates using practitioner documented immunization records generated by electronic means or  
10 on unsigned practitioner letterhead if the authority determines such 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 facility in this state;

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

15 (C) Either a school at any grade level or a facility from homeschooling; or

16 (D) A school at any grade level or a facility after entering the United States from another  
17 country.

18 (b) "Transferring child" means a child moving from:

19 (A) One facility to another facility;

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

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

23 **SECTION 6.** ORS 433.269 is amended to read:

24 433.269. (1) Local health departments shall make immunizations available for administration  
25 under the direction of a local health officer in convenient areas and at convenient times. A local  
26 health department may not refuse to administer an immunization to a person because the person is  
27 unable to pay for the immunization.

28 (2)(a) Each local health department, school and children's facility shall report annually to the  
29 Oregon Health Authority on:

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

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

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

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

42 (d) A child exempted under ORS 433.267 is susceptible to restrictable disease for purposes of this  
43 subsection.

44 (3)(a) For the purpose of providing parents with the information necessary to protect their  
45 children's health, each school and children's facility shall make available the information reported

1 and received by the school and children’s facility pursuant to subsection (2) of this section:

2 (A) At the main office of the school or children’s facility;

3 (B) On the school’s or school district’s website or on the children’s facility’s website, if avail-  
4 able; and

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

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

11 (4) The administrator of a school or children’s facility shall maintain immunization records of  
12 children, including children who are in attendance at the school or children’s facility conditionally  
13 because of an incomplete immunization schedule and children who are exempted as described in ORS  
14 433.267 (1)(b) [*and (c)*].

15 **SECTION 7.** ORS 433.273 is amended to read:

16 433.273. (1) The Oregon Health Authority shall adopt rules pertaining to the implementation of  
17 ORS 433.235 to 433.284, which shall include, but need not be limited to:

18 [(1) *The definition of “restrictable” disease;*]

19 [(2) (a) The required immunization against **restrictable** diseases;

20 [(3) (b) The time schedule for immunization;

21 [(4) (c) The approved means of immunization;

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

25 [(6) (e) The manner in which immunization records for children are established, evaluated and  
26 maintained;

27 [(7) (f) Exemptions for schools and children’s facilities, including exemptions from the reporting  
28 requirements of ORS 433.269 (2) and exemptions from the requirement under ORS 433.269 (3) to make  
29 information available;

30 [(8) (g) The implementation of ORS 433.282 and 433.283; **and**

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

32 [(10) *Criteria for a vaccine educational module, including the requirement that a vaccine educa-*  
33 *tional module present information that is consistent with information published by the Centers for*  
34 *Disease Control and Prevention concerning:*]

35 [(a) *Epidemiology;*]

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

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

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

40 **(h) Rules to carry out section 2 of this 2019 Act.**

41 **(2) The authority may, in consideration of information published by the Centers for Dis-**  
42 **ease Control and Prevention, adopt rules to recommend diseases against which a child should**  
43 **be immunized in addition to restrictable diseases against which a child must be immunized**  
44 **or exempted from immunization pursuant to ORS 433.267 (1)(b).**

45 **SECTION 8.** ORS 433.284 is amended to read:

1 433.284. Private schools, children’s facilities and post-secondary educational institutions may  
2 adopt additional or more stringent requirements as long as [*exemptions are*] **an exemption de-**  
3 **scribed in ORS 433.267 (1)(b) is included** and the requirements are in compliance with the United  
4 States Public Health Service Advisory Committee on Immunization Practices recommendations.

5 **SECTION 9. Section 10 of this 2019 Act is added to and made a part of ORS 433.235 to**  
6 **433.284.**

7 **SECTION 10. The Oregon Health Authority shall establish an outreach and education**  
8 **plan related to the implementation of ORS 433.235 to 433.284.**

9 **SECTION 11. A child who is not immunized as required under ORS 433.267 (1) and has**  
10 **not provided to the administrator of the school or children’s facility that the child attends**  
11 **a document described in ORS 433.267 (1)(b) may continue to attend the school or children’s**  
12 **facility until August 1, 2020.**

13 **SECTION 12. (1) Section 10 of this 2019 Act becomes operative on January 1, 2020.**

14 **(2) The Oregon Health Authority may take any action before the operative date specified**  
15 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**  
16 **after the operative date specified in subsection (1) of this section, all of the duties, functions**  
17 **and powers conferred on the authority by section 10 of this 2019 Act.**

18 **SECTION 13. This 2019 Act being necessary for the immediate preservation of the public**  
19 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
20 **on its passage.**

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