Senate Bill 628

Sponsored by Senator BOQUIST (at the request of Stacy Cayce)

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.

Requires that post-secondary institution of education that requires students to receive immunizations accept from student who declines immunization certification that student has completed vaccine educational module. Directs Oregon Health Authority to approve vaccine educational module for each required immunization.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to immunizations for post-secondary institutions of education; creating new provisions; amending ORS 433.235, 433.281, 433.282, 433.283 and 433.284; and declaring an emergency.

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

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

SECTION 2. (1) A post-secondary institution of education that requires full-time students to be immunized, as required for children attending school pursuant to rules adopted by the Oregon Health Authority under ORS 433.273, shall accept in lieu of a document certifying that a student has received the required immunizations a certificate verifying that the student has declined one or more immunizations and has completed, for each immunization declined, a vaccine educational module approved by the authority pursuant to rules adopted under ORS 433.273.

(2) The authority shall approve a vaccine educational module for each immunization required by a post-secondary institution of education.

SECTION 3. ORS 433.235 is amended to read:

433.235. As used in ORS 433.235 to 433.284:

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

(2) “Children’s facility” or “facility” means:

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

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

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

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

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

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.

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“Physician” means a physician licensed by the Oregon Medical Board or by the Oregon Board of Naturopathic Medicine or a physician similarly licensed by another state or country in which the physician practices or a commissioned medical officer of the Armed Forces or Public Health Service of the United States.

“Post-secondary institution of education” means:

(a) A public university listed in ORS 352.002;

(b) A community college operated under ORS chapter 341; or

(c) An Oregon-based, generally accredited, private institution of higher education.

“School” means a public, private, parochial, charter or alternative educational program offering kindergarten through grade 12 or any part thereof, except as exempted by rule of the authority.

SECTION 4. ORS 433.281 is amended to read:

433.281. [(1) As used in this section, “post-secondary institution of education” means:

[a] A public university listed in ORS 352.002;

[b] A community college operated under ORS chapter 341; or

[c] An Oregon-based, generally accredited, private institution of higher education.]

[(2)] (1) Each post-secondary institution of education that provides housing for students shall provide to each student enrolling or registering at the institution for the first time information on vaccine-preventable diseases known to occur in individuals between 16 and 21 years of age, including:

(a) The signs and symptoms associated with, and options for treating, vaccine-preventable diseases known to occur in individuals between 16 and 21 years of age;

(b) The circumstances that create a risk of acquiring a vaccine-preventable disease known to occur in individuals between 16 and 21 years of age, including the circumstance of living in group quarters;

(c) Recommendations by the Centers for Disease Control and Prevention with respect to vaccines recommended to be categorized as category A or category B by the federal Advisory Committee on Immunization Practices, and vaccines recognized as category A or category B by the Centers for Disease Control and Prevention;

(d) Any additional information on the availability, benefits and risks and limitations of vaccines for vaccine-preventable diseases known to occur in individuals between 16 and 21 years of age, as determined by the institution; [and]

(e) Information on where to receive a vaccination; and

(f) Information on how to access a vaccine educational module approved by the Oregon Health Authority by rule pursuant to ORS 433.273 that contains information about the risks and benefits of immunizations that is consistent with information published by the Centers for Disease Control and Prevention.

[(3)] (2) At a minimum, information provided under subsection [(2)] (1) of this section must cover vaccine-preventable diseases for which the Centers for Disease Control and Prevention recommend vaccination for individuals between 16 and 21 years of age.

[(4)] (3) In developing information on vaccine-preventable diseases under this section, a post-secondary institution of education shall consult the [Oregon Health] authority or the Centers for Disease Control and Prevention.

[(5)] (4) If a post-secondary institution of education provides electronic enrollment or registration for students enrolling or registering at the institution for the first time, the institution shall
provide the information required by this section electronically at the time of enrollment or registration.

[6(5)] This section does not create a private right of action against a post-secondary institution of education.

SECTION 5. ORS 433.282 is amended to read:

433.282. (1) Except as provided in section 2 of this 2019 Act, the Oregon Health Authority may require each post-secondary [educational] institution of education, except a community college or a career school, to require, using procedures developed by the institution, each full-time student to be immunized, as required for children attending school pursuant to rules adopted by the authority under ORS 433.273, before the student’s second quarter or semester of enrollment on the campus of the institution.

(2) Notwithstanding subsection (1) of this section, the authority may require each post-secondary [educational] institution of education, except a community college or a career school, to document, using procedures developed by the institution, that each full-time student has been immunized or has submitted a certificate described in section 2 of this 2019 Act, as required for children attending school pursuant to rules adopted by the authority under ORS 433.273, before the student attends classes if the student will be attending the institution pursuant to a nonimmigrant visa.

(3) The authority by rule shall establish immunization schedules for purposes of this section.

(4) The authority by rule may limit the students and programs to which the requirements of this section apply.

(5) The authority may conduct validation surveys to ensure compliance with the requirements of this section.

SECTION 6. ORS 433.283 is amended to read:

433.283. (1) The Oregon Health Authority may require each community college to require that students involved in clinical experiences in allied health programs, practicum experiences in education and child care programs and membership on intercollegiate sports teams have current immunizations for measles, or to submit a certificate described in section 2 of this 2019 Act, prior to each student’s participation. The requirement shall apply only to those students born on or after January 1, 1957.

(2) The Higher Education Coordinating Commission by rule shall define clinical experiences in allied health programs, practicum experiences in education and child care programs and membership on intercollegiate sports teams at the community colleges. The [Oregon Health] authority by rule shall establish immunization schedules and may further limit the students and programs to which the requirement applies. Each community college shall develop procedures to implement and maintain this requirement.

(3) The authority may conduct validation surveys to ensure compliance with this section. Community colleges shall be required to keep immunization records, including any certificates, only while the student is involved in the program.

SECTION 7. ORS 433.284 is amended to read:

433.284. Private schools, children’s facilities and post-secondary [educational] institutions of education may adopt additional or more stringent requirements as long as exemptions are included and the requirements are in compliance with the United States Public Health Service Advisory Committee on Immunization Practices recommendations.

SECTION 8. Section 2 of this 2019 Act and the amendments to ORS 433.235, 433.281, 433.282, 433.283 and 433.284 by sections 3 to 7 of this 2019 Act apply to students enrolled in a
community college and to students who are enrolled as full-time students in a post-secondary institution of education other than a community college on or after the operative date specified in section 9 of this 2019 Act.

SECTION 9. (1) Section 2 of this 2019 Act and the amendments to ORS 433.235, 433.281, 433.282, 433.283 and 433.284 by sections 3 to 7 of this 2019 Act become operative on August 1, 2019.

(2) The Oregon Health Authority may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the authority to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the authority by section 2 of this 2019 Act and the amendments to ORS 433.235, 433.281, 433.282, 433.283 and 433.284 by sections 3 to 7 of this 2019 Act.

SECTION 10. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.