

HB 3063-13
(LC 2452)
3/12/19 (SCT/ps)

Requested by HOUSE COMMITTEE ON HEALTH CARE (at the request of Representative Cheri Helt)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3063**

1 On page 1 of the printed bill, line 2, after “433.102,” delete the rest of the
2 line and insert “433.235, 433.267, 433.269, 433.273 and 433.284;”.

3 In line 3, delete “433.273;”.

4 After line 4, insert:

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

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

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

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

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

17 **“(b) A document, on a form prescribed by the Oregon Health Au-
18 thority and signed by the parent, stating that the child is not
19 immunized as required under ORS 433.267.**

20 **“(3) The State Board of Education, in consultation with the au-
21 thority, may adopt rules to carry out this section.”.**

1 In line 5, delete “1” and insert “3”.

2 After line 9, insert:

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
6 control and supervision 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
9 329A.250 to 329A.450, except as exempted by rule of the Oregon Health Au-
10 thority;

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

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

18 “(3) ‘Local health department’ has the meaning given that term in ORS
19 431.003.

20 “(4) ‘Parent’ means a parent or guardian of a child or any adult respon-
21 sible for the child.

22 “(5) ‘Physician’ means a physician licensed by the Oregon Medical Board
23 or by the Oregon Board of Naturopathic Medicine or a physician similarly
24 licensed by another state or country in which the physician practices or a
25 commissioned medical officer of the Armed Forces or Public Health Service
26 of the United States.

27 **“(6) ‘Restrictable diseases’ means the following diseases:**

28 **“(a) Diphtheria;**

29 **“(b) Tetanus;**

30 **“(c) Pertussis;**

- 1 “(d) Polio;
- 2 “(e) Measles;
- 3 “(f) Rubella;
- 4 “(g) Mumps;
- 5 “(h) Haemophilus influenzae type b;
- 6 “(i) Hepatitis A and B; and
- 7 “(j) Varicella.

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

11 In line 10, delete “2” and insert “5”.

12 On page 3, line 13, delete “3” and insert “6”.

13 On page 4, delete lines 5 through 41 and insert:

14 “**SECTION 7.** ORS 433.273 is amended to read:

15 “433.273. (1) The Oregon Health Authority shall adopt rules pertaining
16 to the implementation of ORS 433.235 to 433.284, which shall include, but
17 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 ex-
23 cluded from attendance in schools or children’s facilities under ORS 433.267
24 (1)(b) [*and (c)*], provided that the authority includes as part of those proce-
25 dures service of notice to parents;

26 “[(6)] (e) The manner in which immunization records for children are es-
27 tablished, evaluated and maintained;

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

1 “[(8)] (g) The implementation of ORS 433.282 and 433.283; **and**
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 **“(h) Rules to carry out section 2 of this 2019 Act.**

14 **“(2) The authority may, in consideration of information published**
15 **by the Centers for Disease Control and Prevention, adopt rules to re-**
16 **commend diseases against which a child should be immunized in ad-**
17 **dition to restrictable diseases against which a child must be**
18 **immunized or exempted from immunization pursuant to ORS 433.267**
19 **(1)(b).**

20 **“SECTION 8. ORS 433.284 is amended to read:**

21 “433.284. Private schools, children’s facilities and post-secondary educa-
22 tional institutions may adopt additional or more stringent requirements as
23 long as [*exemptions are*] **an exemption described in ORS 433.267 (1)(b) is**
24 **included and the requirements are in compliance with the United States**
25 **Public Health Service Advisory Committee on Immunization Practices rec-**
26 **ommendations.**

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

29 **“SECTION 10. The Oregon Health Authority shall establish an out-**
30 **reach and education plan related to the implementation of ORS 433.235**

1 to 433.284.

2 **“SECTION 11. A child who is not immunized as required under ORS**
3 **433.267 (1) and has not provided to the administrator of the school or**
4 **children’s facility that the child attends a document described in ORS**
5 **433.267 (1)(b) may continue to attend the school or children’s facility**
6 **until August 1, 2020.**

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

9 **“(2) The Oregon Health Authority may take any action before the**
10 **operative date specified in subsection (1) of this section that is neces-**
11 **sary to enable the authority to exercise, on and after the operative**
12 **date specified in subsection (1) of this section, all of the duties, func-**
13 **tions and powers conferred on the authority by section 10 of this 2019**
14 **Act.**

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

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