

Requested by Senator THATCHER

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3063**

1 On page 1 of the A-engrossed bill, line 2, after “ORS” delete the rest of
2 the line and line 3 and insert “433.235, 433.267 and 433.273; and declaring an
3 emergency.”.

4 Delete lines 5 through 22 and delete pages 2 through 6 and 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 public school if**
10 **the school provides 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 **“SECTION 3.** ORS 433.235 is amended to read:

2 “433.235. As used in ORS 433.235 to 433.284:

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

5 “(2) ‘Children’s facility’ or ‘facility’ means:

6 “(a) A certified child care facility as described in ORS 329A.030 and
7 329A.250 to 329A.450, except as exempted by rule of the Oregon Health Au-
8 thority;

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

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

16 “(3) ‘Local health department’ has the meaning given that term in ORS
17 431.003.

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

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

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

26 **“(a) Diphtheria;**

27 **“(b) Tetanus;**

28 **“(c) Pertussis;**

29 **“(d) Polio;**

30 **“(e) Measles;**

1 “(f) Rubella;

2 “(g) Mumps;

3 “(h) Haemophilus influenzae type b;

4 “(i) Hepatitis A and B; and

5 “(j) Varicella.

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

9 “**SECTION 4.** ORS 433.267 is amended to read:

10 “433.267. (1) As a condition of attendance in any school or children’s fa-
11 cility in this state, every child through grade 12 shall submit to the admin-
12 istrator, unless the school or facility the child attends already has on file a
13 record that indicates that the child has received immunizations against the
14 restrictable diseases prescribed by rules of the Oregon Health Authority as
15 provided in ORS 433.273, one of the following:

16 “(a) A document signed by the parent, a practitioner of the healing arts
17 who has within the scope of the practitioner’s license the authority to ad-
18 minister immunizations or a representative of the local health department
19 certifying the immunizations the child has received;

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

23 “(c) **For a child who attends a private or parochial school or a pri-**
24 **vate or parochial children’s facility,** a document, on a form prescribed by
25 the authority by rule and signed by the parent of the child, stating that the
26 parent is declining one or more immunizations on behalf of the child. A
27 document submitted under this paragraph:

28 “(A) May include the reason for declining the immunization, including
29 whether the parent is declining the immunization because of a religious or
30 philosophical belief; and

1 “(B) Must include either:

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

8 “(ii) A certificate verifying that the parent has completed a vaccine edu-
9 cational module approved by the authority pursuant to rules adopted under
10 ORS 433.273.

11 “(2)(a) A newly entering child or a transferring child shall be required to
12 submit the document described in subsection (1) of this section prior to at-
13 tending the school or facility.

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

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

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

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

30 “(6) At the time specified by the authority by rule, records for children

1 meeting the initial minimum requirements and records previously on file
2 shall be reviewed for completion of requirements by the administrator to
3 determine whether the child is entitled to continue in attendance. If the re-
4 cords do not comply, the administrator shall notify the local health depart-
5 ment and shall transmit any records concerning the child's immunization
6 status to the local health department.

7 “(7) The local health department shall provide for a secondary evaluation
8 of the records to determine whether the child should be excluded for non-
9 compliance with the requirements stated in subsection (1) of this section. If
10 the child is determined to be in noncompliance, the local health department
11 shall issue an exclusion order and shall send copies of the order to the par-
12 ent or the person who is emancipated or has reached the age of majority and
13 the administrator. On the effective date of the order, the administrator shall
14 exclude the child from the school or facility and not allow the child to attend
15 the school or facility until the requirements of this section have been met.

16 “(8) The administrator shall readmit the child to the school or facility
17 when in the judgment of the local health department the child is in compli-
18 ance with the requirements of this section.

19 “(9) The administrator shall be responsible for updating the document
20 described in subsection (1)(a) of this section as necessary to reflect the cur-
21 rent status of the immunization of the child and the time at which the child
22 comes into compliance with immunizations against the restrictable diseases
23 prescribed by rules of the authority pursuant to ORS 433.273.

24 “(10) Nothing in this section shall be construed as relieving agencies, in
25 addition to school districts, which are involved in the maintenance and
26 evaluation of immunization records on April 27, 1981, from continuing re-
27 sponsibility for these activities.

28 “(11) All documents required by this section shall be on forms approved
29 or provided by the authority.

30 “(12) In lieu of signed documents from practitioners, the authority may

1 accept immunization record updates using practitioner documented immu-
2 nization records generated by electronic means or on unsigned practitioner
3 letterhead if the authority determines such records are accurate.

4 “(13) As used in this section:

5 “(a) ‘Newly entering child’ means a child who is initially attending:

6 “(A) A facility in this state;

7 “(B) A school at the entry grade level;

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

9 or

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

12 “(b) ‘Transferring child’ means a child moving from:

13 “(A) One facility to another facility;

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

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

17 **“SECTION 5.** ORS 433.273 is amended to read:

18 “433.273. (1) The Oregon Health Authority shall adopt rules pertaining
19 to the implementation of ORS 433.235 to 433.284, which shall include, but
20 need not be limited to:

21 “[1] *The definition of ‘restrictable’ disease;*]

22 “[2] (a) The required immunization against **restrictable** diseases;

23 “[3] (b) The time schedule for immunization;

24 “[4] (c) The approved means of immunization;

25 “[5] (d) The procedures and time schedule whereby children may be ex-
26 cluded from attendance in schools or children’s facilities under ORS 433.267
27 (1)(b) and (c), provided that the authority includes as part of those proce-
28 dures service of notice to parents;

29 “[6] (e) The manner in which immunization records for children are es-
30 tablished, evaluated and maintained;

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

4 “[(8)] (g) The implementation of ORS 433.282 and 433.283; **and**

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

6 “[(10)] *Criteria for a vaccine educational module, including the requirement*
7 *that a vaccine educational module present information that is consistent with*
8 *information published by the Centers for Disease Control and Prevention con-*
9 *cerning;*]

10 “[(a)] *Epidemiology;*]

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

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

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

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

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

23 **“SECTION 6. Section 7 of this 2019 Act is added to and made a part**
24 **of ORS 433.235 to 433.284.**

25 **“SECTION 7. The Oregon Health Authority shall establish an out-**
26 **reach and education plan related to the implementation of ORS 433.235**
27 **to 433.284.**

28 **“SECTION 8. A child who is not immunized as required under ORS**
29 **433.267 (1) and has not provided to the administrator of the public**
30 **school or children’s facility that the child attends a document de-**

1 scribed in ORS 433.267 (1)(b) may continue to attend a public school
2 or children’s facility until August 1, 2020.

3 **“SECTION 9. (1) Section 7 of this 2019 Act becomes operative on**
4 **January 1, 2020.**

5 **“(2) The Oregon Health Authority may take any action before the**
6 **operative date specified in subsection (1) of this section that is neces-**
7 **sary to enable the authority to exercise, on and after the operative**
8 **date specified in subsection (1) of this section, all of the duties, func-**
9 **tions and powers conferred on the authority by section 7 of this 2019**
10 **Act.**

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

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