

## HOUSE AMENDMENTS TO HOUSE BILL 3063

By COMMITTEE ON HEALTH CARE

March 21

1 On page 1 of the printed bill, line 2, after “433.102,” delete the rest of the line and insert  
2 “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 of ORS 433.235 to**  
6 **433.284.**

7 **“SECTION 2. (1)(a) Notwithstanding ORS 433.267, a child who is not immunized as re-**  
8 **quired under ORS 433.267 for a reason other than because of an indicated medical diagnosis**  
9 **may 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**  
11 **activities, 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**  
19 **to carry out this section.”.**

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

21 After line 9, insert:

22 **“SECTION 4. ORS 433.235 is amended to read:**

23 **“433.235. As used in ORS 433.235 to 433.284:**

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

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

27 **“(a) A certified child care facility as described in ORS 329A.030 and 329A.250 to 329A.450, ex-**  
28 **cept as exempted by rule of the Oregon Health Authority;**

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

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

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

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

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

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

7 “(a) **Diphtheria;**

8 “(b) **Tetanus;**

9 “(c) **Pertussis;**

10 “(d) **Polio;**

11 “(e) **Measles;**

12 “(f) **Rubella;**

13 “(g) **Mumps;**

14 “(h) **Haemophilus influenzae type b;**

15 “(i) **Hepatitis A and B; and**

16 “(j) **Varicella.**

17 “[6] (7) ‘School’ means a public, private, parochial, charter or alternative educational program  
18 offering kindergarten through grade 12 or any part thereof, except as exempted by rule of the au-  
19 thority.”.

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

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

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

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

24 “433.273. (1) The Oregon Health Authority shall adopt rules pertaining to the implementation  
25 of ORS 433.235 to 433.284, which shall include, but need not be limited to:

26 “[1] *The definition of ‘restrictable’ disease;*]

27 “[2] (a) The required immunization against **restrictable** diseases;

28 “[3] (b) The time schedule for immunization;

29 “[4] (c) The approved means of immunization;

30 “[5] (d) The procedures and time schedule whereby children may be excluded from attendance  
31 in schools or children’s facilities under ORS 433.267 (1)(b) [*and (c)*], provided that the authority in-  
32 cludes as part of those procedures service of notice to parents;

33 “[6] (e) The manner in which immunization records for children are established, evaluated and  
34 maintained;

35 “[7] (f) Exemptions for schools and children’s facilities, including exemptions from the report-  
36 ing requirements of ORS 433.269 (2) and exemptions from the requirement under ORS 433.269 (3) to  
37 make information available;

38 “[8] (g) The implementation of ORS 433.282 and 433.283; **and**

39 “[9] *The process for approving a vaccine educational module;*]

40 “[10] *Criteria for a vaccine educational module, including the requirement that a vaccine educa-*  
41 *tional module present information that is consistent with information published by the Centers for*  
42 *Disease Control and Prevention concerning;*]

43 “[*a*] *Epidemiology;*]

44 “[*b*] *The prevention of disease through the use of vaccinations; and]*

45 “[*c*] *The safety and efficacy of vaccines; and]*

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

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

4           “(2) The authority may, in consideration of information published by the Centers for  
5 Disease Control and Prevention, adopt rules to recommend diseases against which a child  
6 should be immunized in addition to restrictable diseases against which a child must be  
7 immunized or exempted from immunization pursuant to ORS 433.267 (1)(b).

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

9           “433.284. Private schools, children’s facilities and post-secondary educational institutions may  
10 adopt additional or more stringent requirements as long as [exemptions are] **an exemption de-**  
11 **scribed in ORS 433.267 (1)(b) is** included and the requirements are in compliance with the United  
12 States Public Health Service Advisory Committee on Immunization Practices recommendations.

13           “**SECTION 9.** Section 10 of this 2019 Act is added to and made a part of ORS 433.235 to  
14 **433.284.**

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

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

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

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

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

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