

House Bill 3063

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

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**.

Removes ability of parent to decline required immunizations on behalf of child for reason other than child's indicated medical diagnosis.

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

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

5 **SECTION 1.** ORS 433.102 is amended to read:

6 433.102. (1) Nothing in ORS 433.090 to 433.102 is intended to affect the responsibility of a parent
7 or guardian to have a child of that parent or guardian properly immunized.

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

10 **SECTION 2.** ORS 433.267 is amended to read:

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

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

19 (b) A document signed by a physician or a representative of the local health department stating
20 that the child should be exempted from receiving specified immunization because of indicated med-
21 ical diagnosis; *or*].

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

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

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

28 *[(i) A signature from a health care practitioner verifying that the health care practitioner has re-*
29 *viewed with the parent information about the risks and benefits of immunization that is consistent with*

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 *information published by the Centers for Disease Control and Prevention and the contents of the vac-*
2 *cine educational module approved by the authority pursuant to rules adopted under ORS 433.273; or]*

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

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

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

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

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

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

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

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

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

34 (9) The administrator shall be responsible for updating the document described in subsection
35 (1)(a) of this section as necessary to reflect the current status of the immunization of the child and
36 the time at which the child comes into compliance with immunizations against the restrictable dis-
37 eases prescribed by rules of the authority pursuant to ORS 433.273.

38 (10) Nothing in this section shall be construed as relieving agencies, in addition to school dis-
39 tricts, which are involved in the maintenance and evaluation of immunization records on April 27,
40 1981, from continuing responsibility for these activities.

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

43 (12) In lieu of signed documents from practitioners, the authority may accept immunization re-
44 cord updates using practitioner documented immunization records generated by electronic means or
45 on unsigned practitioner letterhead if the authority determines such records are accurate.

1 (13) As used in this section:

2 (a) “Newly entering child” means a child who is initially attending:

3 (A) A facility in this state;

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

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

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

8 (b) “Transferring child” means a child moving from:

9 (A) One facility to another facility;

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

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

13 **SECTION 3.** ORS 433.269 is amended to read:

14 433.269. (1) Local health departments shall make immunizations available for administration
15 under the direction of a local health officer in convenient areas and at convenient times. A local
16 health department may not refuse to administer an immunization to a person because the person is
17 unable to pay for the immunization.

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

20 (A) The number of children in the area served by the local health department, school or
21 children’s facility; and

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

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

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

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

34 (3)(a) For the purpose of providing parents with the information necessary to protect their
35 children’s health, each school and children’s facility shall make available the information reported
36 and received by the school and children’s facility pursuant to subsection (2) of this section:

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

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

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

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

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

5 **SECTION 4.** ORS 433.273 is amended to read:

6 433.273. The Oregon Health Authority shall adopt rules pertaining to the implementation of ORS
7 433.235 to 433.284, *[which shall include, but need not be]* **including, but not** limited to:

8 (1) The definition of “restrictable” disease;

9 (2) The required immunization against diseases;

10 (3) The time schedule for immunization;

11 (4) The approved means of immunization;

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

15 (6) The manner in which immunization records for children are established, evaluated and
16 maintained;

17 (7) Exemptions for schools and children’s facilities, including exemptions from the reporting re-
18 quirements of ORS 433.269 (2) and exemptions from the requirement under ORS 433.269 (3) to make
19 information available; **and**

20 (8) The implementation of ORS 433.282 and 433.283[.];

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

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

25 *[(a) Epidemiology;]*

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

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

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

30 **SECTION 5.** Section 6 of this 2019 Act is added to and made a part of ORS 433.235 to
31 433.284.

32 **SECTION 6.** The Oregon Health Authority shall establish an outreach and education plan
33 related to the implementation of ORS 433.235 to 433.284.

34 **SECTION 7.** (1) Section 6 of this 2019 Act becomes operative on January 1, 2020.

35 (2) The Oregon Health Authority may take any action before the operative date specified
36 in subsection (1) of this section that is necessary to enable the authority to exercise, on and
37 after the operative date specified in subsection (1) of this section, all of the duties, functions
38 and powers conferred on the authority by section 6 of this 2019 Act.

39 **SECTION 8.** This 2019 Act being necessary for the immediate preservation of the public
40 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
41 on its passage.