

Introduced by Senators Pan and Allen

(Principal coauthor: Assembly Member Gonzalez)

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February 19, 2015

An act to add Section 48980.5 to the Education Code, and to amend Section 120325 of, and to repeal and add Section 120365 of, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 277, as introduced, Pan. Public health: vaccinations.

(1) Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any public or private elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her admission to that institution he or she has been fully immunized against various diseases, including measles, mumps, and pertussis, subject to any specific age criteria. Existing law authorizes an exemption from those provisions for medical reasons or because of personal beliefs, if specified forms are submitted to the governing authority.

This bill would eliminate the exemption from immunization based upon personal beliefs. The bill would make conforming changes to related provisions.

(2) Existing law requires the governing board of a school district, at the beginning of the first semester or quarter of the regular school term,

to make certain notifications to parents or guardians of minor pupils including, among others, specified rights and responsibilities of a parent or guardian and specified school district policies and procedures.

This bill would require the governing board of a school district to also include in the notifications provided to parents or guardians of minor pupils at the beginning of the regular school term the immunization rates for the school in which a pupil is enrolled for each required immunization. By requiring school districts to notify parents or guardians of school immunization rates, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48980.5 is added to the Education Code,
2 to read:

3 48980.5. The notification required pursuant to Section 48980
4 shall also include the immunization rates for the school in which
5 a pupil is enrolled for each of the immunizations required pursuant
6 to Section 120335 of the Health and Safety Code.

7 SEC. 2. Section 120325 of the Health and Safety Code is
8 amended to read:

9 120325. In enacting this chapter, but excluding Section 120380,
10 and in enacting Sections 120400, 120405, 120410, and 120415, it
11 is the intent of the Legislature to provide:

12 (a) A means for the eventual achievement of total immunization
13 of appropriate age groups against the following childhood diseases:

- 14 (1) Diphtheria.
- 15 (2) Hepatitis B.
- 16 (3) Haemophilus influenzae type b.
- 17 (4) Measles.
- 18 (5) Mumps.

1 (6) Pertussis (whooping cough).

2 (7) Poliomyelitis.

3 (8) Rubella.

4 (9) Tetanus.

5 (10) Varicella (chickenpox).

6 (11) Any other disease deemed appropriate by the department,
7 taking into consideration the recommendations of the Advisory
8 Committee on Immunization Practices of the United States
9 Department of Health and Human Services, the American Academy
10 of Pediatrics, and the American Academy of Family Physicians.

11 (b) That the persons required to be immunized be allowed to
12 obtain immunizations from whatever medical source they so desire,
13 subject only to the condition that the immunization be performed
14 in accordance with the regulations of the department and that a
15 record of the immunization is made in accordance with the
16 regulations.

17 (c) Exemptions from immunization for medical reasons ~~or~~
18 ~~because of personal beliefs.~~

19 (d) For the keeping of adequate records of immunization so that
20 health departments, schools, and other institutions, parents or
21 guardians, and the persons immunized will be able to ascertain
22 that a child is fully or only partially immunized, and so that
23 appropriate public agencies will be able to ascertain the
24 immunization needs of groups of children in schools or other
25 institutions.

26 (e) Incentives to public health authorities to design innovative
27 and creative programs that will promote and achieve full and timely
28 immunization of children.

29 SEC. 3. Section 120365 of the Health and Safety Code is
30 repealed.

31 ~~120365. (a) Immunization of a person shall not be required~~
32 ~~for admission to a school or other institution listed in Section~~
33 ~~120335 if the parent or guardian or adult who has assumed~~
34 ~~responsibility for his or her care and custody in the case of a minor,~~
35 ~~or the person seeking admission if an emancipated minor, files~~
36 ~~with the governing authority a letter or affidavit that documents~~
37 ~~which immunizations required by Section 120355 have been given~~
38 ~~and which immunizations have not been given on the basis that~~
39 ~~they are contrary to his or her beliefs.~~

1 (b) ~~On and after January 1, 2014, a form prescribed by the State
2 Department of Public Health shall accompany the letter or affidavit
3 filed pursuant to subdivision (a). The form shall include both of
4 the following:~~

5 (1) ~~A signed attestation from the health care practitioner that
6 indicates that the health care practitioner provided the parent or
7 guardian of the person who is subject to the immunization
8 requirements of this chapter, the adult who has assumed
9 responsibility for the care and custody of the person, or the person
10 if an emancipated minor, with information regarding the benefits
11 and risks of the immunization and the health risks of the
12 communicable diseases listed in Section 120335 to the person and
13 to the community. This attestation shall be signed not more than
14 six months before the date when the person first becomes subject
15 to the immunization requirement for which exemption is being
16 sought.~~

17 (2) ~~A written statement signed by the parent or guardian of the
18 person who is subject to the immunization requirements of this
19 chapter, the adult who has assumed responsibility for the care and
20 custody of the person, or the person if an emancipated minor, that
21 indicates that the signer has received the information provided by
22 the health care practitioner pursuant to paragraph (1). This
23 statement shall be signed not more than six months before the date
24 when the person first becomes subject to the immunization
25 requirements as a condition of admittance to a school or institution
26 pursuant to Section 120335.~~

27 (e) ~~The following shall be accepted in lieu of the original form:~~

28 (1) ~~A photocopy of the signed form.~~

29 (2) ~~A letter signed by a health care practitioner that includes all
30 information and attestations included on the form.~~

31 (d) ~~Issuance and revision of the form shall be exempt from the
32 rulemaking provisions of the Administrative Procedure Act
33 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
34 Division 3 of Title 2 of the Government Code).~~

35 (e) ~~When there is good cause to believe that the person has been
36 exposed to one of the communicable diseases listed in subdivision
37 (a) of Section 120325, that person may be temporarily excluded
38 from the school or institution until the local health officer is
39 satisfied that the person is no longer at risk of developing the
40 disease.~~

1 (f) For purposes of this section, “health care practitioner” means
2 any of the following:

3 ~~(1) A physician and surgeon, licensed pursuant to Section 2050~~
4 ~~of the Business and Professions Code.~~

5 ~~(2) A nurse practitioner who is authorized to furnish drugs~~
6 ~~pursuant to Section 2836.1 of the Business and Professions Code.~~

7 ~~(3) A physician assistant who is authorized to administer or~~
8 ~~provide medication pursuant to Section 3502.1 of the Business~~
9 ~~and Professions Code.~~

10 ~~(4) An osteopathic physician and surgeon, as defined in the~~
11 ~~Osteopathic Initiative Act.~~

12 ~~(5) A naturopathic doctor who is authorized to furnish or order~~
13 ~~drugs under a physician and surgeon’s supervision pursuant to~~
14 ~~Section 3640.5 of the Business and Professions Code.~~

15 ~~(6) A credentialed school nurse, as described in Section 49426~~
16 ~~of the Education Code.~~

17 SEC. 4. Section 120365 is added to the Health and Safety Code,
18 to read:

19 120365. (a) Immunization of a person shall not be required
20 for admission to a school or other institution listed in Section
21 120335 if the parent or guardian or adult who has assumed
22 responsibility for his or her care and custody in the case of a minor,
23 or the person seeking admission if an emancipated minor, files
24 with the governing authority a letter or affidavit that documents
25 which immunizations required by Section 120355 have been given
26 and which immunizations have not been given pursuant to an
27 exemption from immunization for medical reasons.

28 (b) When there is good cause to believe that the person has been
29 exposed to one of the communicable diseases listed in subdivision
30 (a) of Section 120325, that person may be temporarily excluded
31 from the school or institution until the local health officer is
32 satisfied that the person is no longer at risk of developing the
33 disease.

34 SEC. 5. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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