

Senate Bill 450

Sponsored by COMMITTEE ON RULES AND REDISTRICTING (at the request of Robert M. Sneec)

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**.

Establishes exemption from requirement for immunization of school children based on philosophical or personal objection of parent.

A BILL FOR AN ACT

Relating to immunization of school children; amending ORS 433.267.

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

SECTION 1. ORS 433.267 is amended to read:

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

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

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

(c) A statement signed by the parent that the child has not been immunized as described in paragraph (a) of this subsection because:

(A) The child is being reared as an adherent to a religion the teachings of which are opposed to such immunization; or

(B) The parent has a philosophical or personal objection to such immunization; or

(d) A statement signed by the parent of a child transferring to a school or facility from another school or facility that the parent will have records required by paragraphs (a) to (c) of this subsection for the child sent to the school or facility within 30 days of initial attendance of the child therein. The statement shall be accompanied by a presigned exclusion order from the local health department to be used as described in subsection (6) of this section.

(2) A child shall be required to submit the statement described in subsection (1) of this section prior to attending the school or facility.

(3) Persons who have been emancipated pursuant to ORS 419B.558 or who have reached the age of majority as provided in ORS 109.510 or 109.520 may sign those statements on their own behalf otherwise requiring the signatures of parents under subsection (1) of this section.

(4) The administrator shall conduct a primary evaluation of the records submitted pursuant to

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 subsection (1) of this section to determine whether the child is entitled to begin attendance by rea-
2 son of having submitted a statement that complies with the requirements of subsection (1) of this
3 section.

4 (5) If the records do not meet the initial minimum requirements established by rule, the child
5 shall not be allowed to attend until the requirements are met. If the records meet the initial mini-
6 mum requirements, the child shall be allowed to attend.

7 (6) If the records are not received within 30 days, as provided in subsection (1)(d) of this section,
8 the administrator shall enforce the presigned exclusion order and exclude the child in accordance
9 with a time schedule established by rule of the Health Division.

10 (7) At the time specified by the Health Division by rule, records for children meeting the initial
11 minimum requirements and records previously on file shall be reviewed for completion of require-
12 ments by the administrator to determine whether the child is entitled to continue in attendance. If
13 the records do not comply, the administrator shall notify the local health department and shall
14 transmit any records concerning the child's immunization status to the department.

15 (8) The department shall provide for a secondary evaluation of the records to determine whether
16 the child should be excluded for noncompliance with the requirements stated in subsection (1)(a), (b)
17 or (d) of this section. If the child is determined to be in noncompliance, the department shall issue
18 an exclusion order and shall send copies of the order to the parent or the person who is emancipated
19 or has reached the age of majority and the administrator. On the effective date of the order, the
20 administrator shall exclude the child from the school or facility and not allow the child to attend
21 the school or facility until the requirements of this section have been met.

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

24 (10) The administrator shall be responsible for updating the statement described in subsection
25 (1)(a) of this section as necessary to reflect the current status of the immunization of the child and
26 the time at which the child comes into compliance with immunizations against the restrictable dis-
27 eases prescribed by rules of the Health Division pursuant to ORS 433.273.

28 (11) Nothing in this section shall be construed as relieving agencies, in addition to school dis-
29 tricts, which are involved in the maintenance and evaluation of immunization records on April 27,
30 1981, from continuing responsibility for these activities.

31 (12) All statements required by this section shall be on forms approved or provided by the
32 Health Division.

33 (13) In lieu of signed statements from practitioners of the healing arts, the division may accept
34 immunization record updates using practitioner documented immunization records generated by
35 electronic means or on practitioner letterhead but unsigned, if the division determines such records
36 are accurate.

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