

# Enrolled Senate Bill 225

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CHAPTER .....

AN ACT

Relating to immunizations regulated by Department of Human Services; amending ORS 433.235, 433.255, 433.267 and 433.282.

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

**SECTION 1.** ORS 433.235 is amended to read:

433.235. As used in ORS 433.235 to 433.284:

- (1) "Administrator" means the principal or other person having general control and supervision of a school or children's facility.
- (2) "Children's facility" or "facility" means:
  - (a) A certified child care facility as described in ORS 657A.030 and 657A.250 to 657A.450, except as exempted by rule of the Department of Human Services;
  - (b) A program operated by, or sharing the premises with, a certified child care facility, school or post-secondary institution where care is provided to children, six weeks of age to kindergarten entry, except as exempted by rule of the department; or
  - (c) A program providing child care or educational services to children, six weeks of age to kindergarten entry, in a residential or nonresidential setting, except as exempted by rule of the department.
- (3) "Local health department" means the district or county board of health, public health officer, public health administrator or health department having jurisdiction within the area.
- (4) "Parent" means a parent or guardian of a child or any adult responsible for the child.
- (5) "Physician" means a physician licensed by the Board of Medical Examiners for the State of Oregon or by the Board of Naturopathic Examiners or a physician similarly licensed by another state or country in which the physician practices or a commissioned medical officer of the Armed Forces or Public Health Service of the United States.
- (6) "School" means a public, private, [or] parochial, **charter or alternative educational program** [school] offering kindergarten through grade 12 or any part thereof, except as exempted by rule of the Department of Human Services.

**SECTION 2.** ORS 433.255 is amended to read:

433.255. Except in strict conformity with the rules of the Department of Human Services, no child or employee shall be permitted to be in any school or children's facility when:

- (1) That child or employee has any restrictable disease;
- (2) That child or employee comes from any house in which exists any restrictable disease; or

(3) That child has been excluded as provided in ORS 433.267 (5) or [(8)] (7).

**SECTION 3.** 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 Department of Human Services 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; **or**

(c) A statement signed by the parent that the child has not been immunized as described in paragraph (a) of this subsection because the child is being reared as an adherent to a religion the teachings of which are opposed 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) A **newly entering child or a transferring child** shall be required to submit the statement described in subsection (1) of this section prior to attending the school or facility.

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

(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]* **consent for medical care pursuant to ORS 109.640** 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 subsection (1) of this section to determine whether the child is entitled to begin attendance by reason of having submitted a statement that complies with the requirements of subsection (1) of this section.

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

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

*[(7)]* (6) At the time specified by the department by rule, records for children meeting the initial minimum requirements and records previously on file shall be reviewed for completion of requirements by the administrator to determine whether the child is entitled to continue in attendance. If the records do not comply, the administrator shall notify the local health department and shall transmit any records concerning the child's immunization status to the local health department.

*[(8)]* (7) The local health department shall provide for a secondary evaluation of the records to determine whether the child should be excluded for noncompliance with the requirements stated in subsection *[(1)(a), (b) or (d)]* (1)(a) **or** (b) of this section. If the child is determined to be in non-compliance, the local health department shall issue an exclusion order and shall send copies of the order to the parent or the person who is emancipated or has reached the age of majority and the administrator. On the effective date of the order, the administrator shall exclude the child from the

school or facility and not allow the child to attend the school or facility until the requirements of this section have been met.

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

[(10)] (9) The administrator shall be responsible for updating the statement described in subsection (1)(a) of this section as necessary to reflect the current status of the immunization of the child and the time at which the child comes into compliance with immunizations against the restrictable diseases prescribed by rules of the department pursuant to ORS 433.273.

[(11)] (10) Nothing in this section shall be construed as relieving agencies, in addition to school districts, which are involved in the maintenance and evaluation of immunization records on April 27, 1981, from continuing responsibility for these activities.

[(12)] (11) All statements required by this section shall be on forms approved or provided by the department.

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

(13) **As used in this section:**

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

(A) **A facility in this state;**

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

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

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

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

(A) **One facility to another facility;**

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

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

**SECTION 4.** ORS 433.282 is amended to read:

433.282. (1) The Department of Human Services may require each post-secondary educational institution, except a community college *[and]* **or** a career school, to require that each entering full-time student *[born on or after January 1, 1957,]* has current immunizations *[against measles]*, **as required for children attending school pursuant to rules adopted by the department under ORS 433.273**, prior to the student’s second quarter or semester of enrollment on an Oregon campus, using procedures developed by the institution.

(2) **Notwithstanding subsection (1) of this section, the department may require each post-secondary educational institution, except a community college or a career school, to document, using procedures developed by the institution, that each entering full-time student has current immunizations, as required for children attending school pursuant to rules adopted by the department under ORS 433.273, prior to the student attending classes if the student will be attending the institution pursuant to a nonimmigrant visa.**

[(2)] (3) The department *[of Human Services]* by rule shall establish immunization schedules and may further limit the students and programs to which the requirement applies.

[(3)] (4) The department *[of Human Services]* may conduct validation surveys to ensure compliance with this section.

**Passed by Senate February 8, 2005**

**Repassed by Senate June 10, 2005**

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Secretary of Senate

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President of Senate

**Passed by House June 2, 2005**

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Speaker of House

**Received by Governor:**

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.....M,....., 2005

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Governor

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