

HB 37 -- IMMUNIZATIONS

SPONSOR: Pollock (123)

This bill makes changes to existing statute regarding immunization requirements.

Under current law, immunization requirements apply to children attending private, parochial, or parish schools. This bill removes such schools from immunization requirements, and instead applies immunization requirements to just public schools.

The bill prohibits the Department of Health and Senior Services from promulgating rules regarding immunization requirements for any immunization not specifically listed in the bill.

The bill allows a student to attend school if he or she can provide evidence of acquired immunity.

The bill clarifies that a student at a public elementary or secondary education school, a public institution of higher education, or a daycare can attend school by submitting a written religious or conscientious belief statement or submitting a religious or conscientious belief exemption form developed by the Department; the school or daycare cannot require any additional conditions before accepting the exemption.

The bill requires the Department to create an informational brochure that outlines the process for obtaining an exemption to immunization requirements. The Department must also develop a standard religious or conscientious belief exemption form. The brochure and form must be available on the Department's website.

Under current law, students of public institutions of higher education residing in on-campus housing are required to get a meningococcal vaccine. This bill changes that requirement to require the vaccine only for students living in publicly-owned property.

Under current law, immunization requirements apply to a child attending private or parochial daycare centers, preschool, or nursery schools caring for 10 or more children. This bill removes such schools from immunization requirements, and instead applies the requirements just to public daycare centers, preschools, or nursery schools (regardless of the number of children).

Current law also requires immunizations for such children against any preventable childhood illness specified by the Department; this bill changes the immunization requirement to the same illnesses

required to be vaccinated against for public school children.

The bill states that for purposes of child abuse, "abuse" and "neglect" does not include a decision to not immunize a child.

Under current law, a child who does not receive medical treatment for the sole reason of the legitimate practice of religious beliefs of the child's parents cannot be found to be an abused or neglected child. The bill says that a child not receiving immunizations due to religious or conscientious beliefs of the child's parents, cannot be a contributing factor for a finding of abuse or neglect. Additionally, a child not receiving immunizations cannot be a contributing factor in the Children's Division's decision to accept a report of abuse or neglect or to investigate or conduct a family assessment.

The Board of Registration of Healing Arts, within the Department of Commerce and Insurance, cannot initiate a contested hearing or refuse to issue or renew a license on the basis of or in retaliation for any health care provider licensee or applicant providing a medical immunization exemption statement or certification.

A health care provider cannot deny life-saving treatment to a child under 18 on the basis of the child not being immunized if the child has an immunization exemption for medical reasons or due to religious or conscientious beliefs.

This bill is similar to HB 2380 (2020) and HCS HB 711 (2019).