

HOUSE BILL No. 1071

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-2-5; IC 12-17.2; IC 20-34; IC 21-40; IC 22-5-4.6-5.

Synopsis: Exceptions to required immunizations. Provides that a person may not be required to receive an immunization if: (1) the entity requiring an immunization has certain documentation that the person received the immunization required by the entity; (2) the immunization is medically contraindicated; (3) receiving the immunization is against the person's religious belief; or (4) the person refuses to permit the immunization after being fully informed of the health risks. Makes conforming amendments.

Effective: Upon passage.

Cash

January 8, 2024, read first time and referred to Committee on Public Health.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1071



A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 1-1-2-5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]: **Sec. 5. Notwithstanding any other law, a person may**
4 **not be required to receive an immunization if:**
5 (1) **the entity requiring an immunization:**
6 (A) **has written documentation from the person's physician**
7 **or other health care provider indicating the date and place**
8 **that the person received an immunization required by the**
9 **entity; and**
10 (B) **determines that no additional immunization is**
11 **required;**
12 (2) **the immunization is medically contraindicated for the**
13 **person;**
14 (3) **receiving the immunization is against the person's**
15 **religious beliefs; or**
16 (4) **the person refuses to permit the immunization after being**
17 **fully informed of the health risks.**



1 SECTION 2. IC 12-17.2-3.5-11.1, AS AMENDED BY P.L.56-2023,
 2 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: Sec. 11.1. (a) After December 31,
 4 2002, a provider shall maintain and annually update documentation
 5 provided by the physician of each child who is cared for in a facility
 6 where the provider operates a child care program that the child has
 7 received complete age appropriate immunizations, including:

- 8 (1) conjugated pneumococcal vaccine; and
- 9 (2) varicella vaccine or a demonstrated immunity to varicella.

10 The Indiana department of health shall determine for each age level the
 11 immunizations that constitute complete age appropriate immunizations.

12 (b) A provider meets the requirement of subsection (a) if:

- 13 (1) a child's parent:
 - 14 (A) objects to immunizations for religious reasons; and
 - 15 (B) provides documentation of the parent's objection;
- 16 (2) the child's physician provides documentation of a medical
 17 reason the child should not be immunized; ~~or~~
- 18 (3) the child's physician provides documentation that the child is
 19 currently in the process of receiving complete age appropriate
 20 immunizations; ~~or~~

21 **(4) the child's parent refuses to permit the immunization after**
 22 **being fully informed of the health risks;**

23 and the provider maintains and annually updates the documentation
 24 provided by the parent or physician under this subsection.

25 SECTION 3. IC 12-17.2-4-18.1, AS AMENDED BY P.L.56-2023,
 26 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 18.1. (a) After December 31,
 28 2002, a licensee shall maintain and annually update documentation
 29 provided by the physician of each child who is cared for in a child care
 30 center where the licensee provides child care that the child has received
 31 complete age appropriate immunizations, including:

- 32 (1) conjugated pneumococcal vaccine; and
- 33 (2) varicella vaccine or a demonstrated immunity to varicella.

34 The Indiana department of health shall determine for each age level the
 35 immunizations that constitute complete age appropriate immunizations.

36 (b) A licensee meets the requirement of subsection (a) if:

- 37 (1) a child's parent:
 - 38 (A) objects to immunizations for religious reasons; and
 - 39 (B) provides documentation of the parent's objection;
- 40 (2) the child's physician provides documentation of a medical
 41 reason the child should not be immunized; ~~or~~
- 42 (3) the child's physician provides documentation that the child is



1 currently in the process of receiving complete age appropriate
2 immunizations; or

3 **(4) the child's parent refuses to permit the immunization after**
4 **being fully informed of the health risks;**

5 and the licensee maintains and annually updates the documentation
6 provided by the parent or physician under this subsection.

7 SECTION 4. IC 12-17.2-6-11 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The parent
9 or guardian of a child shall, when the child is enrolled in a child care
10 ministry, provide the child care ministry with proof that the child has
11 received the required immunizations against the following:

- 12 (1) Diphtheria.
- 13 (2) Whooping cough.
- 14 (3) Tetanus.
- 15 (4) Measles.
- 16 (5) Rubella.
- 17 (6) Poliomyelitis.
- 18 (7) Mumps.

19 (b) A child enrolled in a child care ministry may not be required to
20 undergo an immunization required under this section if the parents
21 object for religious reasons. The objection must be:

- 22 (1) made in writing;
- 23 (2) signed by the child's parent or guardian; and
- 24 (3) delivered to the child care ministry.

25 (c) If a physician certifies that a particular immunization required
26 by this section is or may be detrimental to the child's health, the
27 requirements of this section for that particular immunization are
28 inapplicable to that child until the immunization is found to be no
29 longer detrimental to the child's health.

30 **(d) A child enrolled in child care ministry may not be required**
31 **to receive an immunization if the child's parent refuses to permit**
32 **the immunization after being fully informed of the health risks.**

33 SECTION 5. IC 20-34-3-2.5 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 2.5. (a) A student may not be required to
36 receive an immunization under this chapter or IC 20-34-4 when the
37 child's parent refuses to permit the immunization after being fully
38 informed of the health risks.

39 (b) A teacher may not be required to receive an immunization
40 under this chapter or IC 20-34-4 when the teacher refuses to
41 permit the immunization after being fully informed of the health
42 risks.



1 SECTION 6. IC 20-34-4-3, AS AMENDED BY P.L.160-2023,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 3. (a) Each school shall notify each parent of
4 a student who enrolls in the school of the requirement that the student
5 must be immunized and that the immunization is required for the
6 student's continued enrollment, attendance, or residence at the school
7 unless:

8 (1) the parent or student provides the appropriate documentation
9 of immunity; or

10 (2) IC 20-34-3-2, **IC 20-34-3-2.5**, or IC 20-34-3-3 applies.

11 (b) A school that enrolls grade 6 students shall provide each parent
12 of a student who is entering grade 6 with information prescribed by the
13 Indiana department of health under subsection (c) concerning the link
14 between cancer and the human papillomavirus (HPV) infection and
15 that an immunization against the human papillomavirus (HPV)
16 infection is available.

17 (c) The Indiana department of health shall provide a school
18 described in subsection (b) with the information concerning cancer and
19 the human papillomavirus (HPV) infection required in subsection (b).
20 The information must include the following:

21 (1) The latest scientific information on the immunization against
22 the human papillomavirus (HPV) infection and the
23 immunization's effectiveness against causes of cancer.

24 (2) That a pap smear is still critical for the detection of
25 precancerous changes in the cervix to allow for treatment before
26 cervical cancer develops.

27 (3) Information concerning the means in which the human
28 papillomavirus (HPV) infection is contracted.

29 (4) A statement that any questions or concerns concerning
30 immunizing the child against human papillomavirus (HPV) could
31 be answered by contacting a health care provider.

32 (d) The Indiana department of health shall provide the department
33 of education with material concerning immunizations and
34 immunization preventable diseases for distribution to parents and
35 guardians. The department of education shall provide these materials
36 to schools to be provided to students' parents and guardians. These
37 materials may be distributed by a school by posting the required
38 information on the school's website.

39 (e) Any notification or materials provided or distributed by the
40 Indiana department of health or a school to a parent of a student
41 regarding required or recommended immunizations for the student
42 must clearly delineate or label immunizations that are required and



1 immunizations that are only recommended.

2 SECTION 7. IC 20-34-4-5, AS AMENDED BY P.L.56-2023,
3 SECTION 192, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each school shall require
5 the parent of a student who has enrolled in the school to furnish, not
6 later than the first day of school attendance, proof of the student's
7 immunization status, either as a written document from the health care
8 provider who administered the immunization or documentation
9 provided from the state immunization data registry.

10 (b) The statement must show, except for a student to whom
11 IC 20-34-3-2, **IC 20-34-3-2.5**, or IC 20-34-3-3 applies, that the student
12 has been immunized as required under section 2 of this chapter. The
13 statement must include the student's date of birth and the date of each
14 immunization.

15 (c) A student may not be permitted to attend school beyond the first
16 day of school without furnishing the documentation described in
17 subsections (a) and (b) unless:

- 18 (1) the school gives the parent of the student a waiver; or
19 (2) the local health department or a health care provider
20 determines that the student's immunization schedule has been
21 delayed due to extreme circumstances and that the required
22 immunizations will not be completed before the first day of
23 school.

24 The waiver referred to in subdivision (1) may not be granted for a
25 period that exceeds twenty (20) school days. If subdivision (2) applies,
26 the parent of the student shall furnish the written statement and a
27 schedule, approved by a health care provider who is authorized to
28 administer the immunizations or the local health department, for the
29 completion of the remainder of the immunizations.

30 (d) The Indiana department of health may commence an action
31 against a school under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of
32 an order of compliance for failure to enforce this section.

33 (e) ~~Neither~~ A religious objection under IC 20-34-3-2, **an exception**
34 **under IC 20-34-3-2.5, or not** an exception for the student's health
35 under IC 20-34-3-3 ~~relieves~~ **does not relieve** a parent from the
36 reporting requirements under this section.

37 (f) The Indiana department of health shall adopt rules under
38 IC 4-22-2 to implement this section.

39 SECTION 8. IC 21-40-1-6, AS ADDED BY P.L.2-2007, SECTION
40 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
41 PASSAGE]: Sec. 6. "Documentation of exemption" means a form that:

- 42 (1) is acceptable to a state educational institution; and



1 (2) indicates the circumstances as described in IC 21-40-5-4, ~~and~~
 2 IC 21-40-5-6, **and IC 21-40-5-6.5** entitling the student to an
 3 exemption from the requirements in ~~sections~~ IC 21-40-5-2 and
 4 IC 21-40-5-3.

5 SECTION 9. IC 21-40-5-3, AS ADDED BY P.L.2-2007, SECTION
 6 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 7 PASSAGE]: Sec. 3. (a) Before matriculating in a residential campus of
 8 a state educational institution, a student shall provide the state
 9 educational institution with one (1) of the following documents:

- 10 (1) A certificate of immunity.
 11 (2) Documentation of exemption as described in sections 4, ~~and~~
 12 6, **and 6.5** of this chapter.

13 (b) Before matriculating in a residential campus of a state
 14 educational institution, a student who is not a citizen or resident of the
 15 United States shall provide the state educational institution with:

- 16 (1) medical documentation that the student has been tested for
 17 tuberculosis in the United States;
 18 (2) the date on which the tuberculosis test was taken; and
 19 (3) the results of the tuberculosis test.

20 (c) If a student fails to comply with subsection (a) or (b) by the
 21 beginning of the student's second academic term, the state educational
 22 institution shall prohibit the student from matriculating in the
 23 residential campus of the state educational institution until the
 24 requirements are met.

25 SECTION 10. IC 21-40-5-6.5 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. A student may not be**
 28 **required to receive an immunization required:**

- 29 **(1) under this chapter; or**
 30 **(2) by the state educational institution;**

31 **if the student refuses to permit the immunization after being fully**
 32 **informed of the health risks.**

33 SECTION 11. IC 22-5-4.6-5, AS AMENDED BY P.L.174-2022,
 34 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: Sec. 5. (a) An employer may not impose a
 36 requirement that employees receive an immunization against
 37 COVID-19 unless the employer provides individual exemptions that
 38 allow an employee to opt out of the requirement on the basis of any of
 39 the following:

- 40 (1) Medical reasons.
 41 (2) Religious reasons.
 42 (3) An employee has immunity from COVID-19 acquired from a



1 prior infection with COVID-19.

2 **(4) An employee refuses to permit the immunization after**
3 **being fully informed of the health risks.**

4 (b) Subject to subsection (c), an employer may require an employee
5 to submit to testing for the presence of COVID-19 not more than twice
6 a week, if the employee receives an exemption based on:

7 (1) medical reasons under subsection (a)(1);

8 (2) religious reasons under subsection (a)(2); ~~or~~

9 (3) immunity from COVID-19 acquired from a prior infection
10 with COVID-19 under subsection (a)(3); **or**

11 **(4) refusal to permit the immunization under subsection**
12 **(a)(4).**

13 (c) An employer may not require a test for the presence of
14 COVID-19 unless the test:

15 (1) has been approved, cleared, or authorized by the federal Food
16 and Drug Administration;

17 (2) is the least invasive testing option available; and

18 (3) does not create an undue burden on the employee to receive
19 the test.

20 **SECTION 12. An emergency is declared for this act.**

