

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 559

Representatives Gonzales, Landis

Cosponsors: Representatives Slaby, Cera, Ingram

A BILL

To amend sections 3301.53, 3313.67, 3313.671, and 1
5104.014 and to enact sections 3701.1310 and 2
3701.1311 of the Revised Code to make changes to 3
the law governing immunization of children 4
enrolled in school, preschool programs, and day- 5
care programs. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3301.53, 3313.67, 3313.671, and 7
5104.014 be amended and sections 3701.1310 and 3701.1311 of the 8
Revised Code be enacted to read as follows: 9

Sec. 3301.53. (A) The state board of education, in 10
consultation with the director of job and family services, shall 11
formulate and prescribe by rule adopted under Chapter 119. of 12
the Revised Code minimum standards to be applied to preschool 13
programs operated by school district boards of education, county 14
boards of developmental disabilities, community schools, or 15
eligible nonpublic schools. The rules shall include the 16
following: 17

(1) Standards ensuring that the preschool program is 18

located in a safe and convenient facility that accommodates the 19
enrollment of the program, is of the quality to support the 20
growth and development of the children according to the program 21
objectives, and meets the requirements of section 3301.55 of the 22
Revised Code; 23

(2) Standards ensuring that supervision, discipline, and 24
programs will be administered according to established 25
objectives and procedures; 26

(3) Standards ensuring that preschool staff members and 27
nonteaching employees are recruited, employed, assigned, 28
evaluated, and provided inservice education without 29
discrimination on the basis of age, color, national origin, 30
race, or sex; and that preschool staff members and nonteaching 31
employees are assigned responsibilities in accordance with 32
written position descriptions commensurate with their training 33
and experience; 34

(4) A requirement that boards of education intending to 35
establish a preschool program demonstrate a need for a preschool 36
program prior to establishing the program; 37

(5) Requirements that children participating in preschool 38
programs have been immunized to the extent considered 39
appropriate by the state board to prevent the spread of 40
communicable disease and that each entity operating a preschool 41
program keeps an immunization record for each child 42
participating in the program that complies with the requirements 43
of division (C) of section 3313.67 of the Revised Code and 44
reports a summary of those immunization records that complies 45
with the requirements of division (D) (1) of that section; 46

(6) Requirements that the parents of preschool children 47

complete the emergency medical authorization form specified in 48
section 3313.712 of the Revised Code. 49

(B) The state board of education in consultation with the 50
director of job and family services shall ensure that the rules 51
adopted by the state board under sections 3301.52 to 3301.58 of 52
the Revised Code are consistent with and meet or exceed the 53
requirements of Chapter 5104. of the Revised Code with regard to 54
child day-care centers. The state board and the director of job 55
and family services shall review all such rules at least once 56
every five years. 57

(C) The state board of education, in consultation with the 58
director of job and family services, shall adopt rules for 59
school child programs that are consistent with and meet or 60
exceed the requirements of the rules adopted for school-age 61
child care centers under Chapter 5104. of the Revised Code. 62

Sec. 3313.67. (A) (1) Except as provided in division (A) (2) 63
of this section, the board of education of each city, exempted 64
village, or local school district may make and enforce such 65
rules to secure the immunization of, and to prevent the spread 66
of communicable diseases among the pupils attending or eligible 67
to attend the schools of the district, as in its opinion the 68
safety and interest of the public require. 69

(2) A board of education shall not adopt rules under 70
division (A) (1) of this section that are inconsistent with 71
~~divisions (B) and (C) of section 3313.671 of the Revised Code.~~ 72

(B) Boards of health, legislative authorities of municipal 73
corporations, and boards of township trustees, on application of 74
the board of education of the district, at the public expense, 75
without delay, shall provide the means of immunization to pupils 76

who are not so provided by their parents or guardians. 77

(C) The board of education shall keep an immunization 78
record for each pupil, available in writing to the pupil's 79
parent or guardian upon request, which shall include: 80

(1) Immunizations against the diseases ~~mentioned~~ specified 81
in ~~division (A) of~~ section 3313.671 of the Revised Code; 82

(2) Any tuberculin tests given pursuant to section 3313.71 83
of the Revised Code; 84

(3) Any other immunizations required by the board pursuant 85
to division (A) of this section. 86

(D) (1) Annually by the fifteenth day of October, the board 87
shall report a summary, by school, of the immunization records 88
of all ~~initial-entry~~ pupils enrolled in the district to the 89
director of health, ~~on forms in an electronic format to be~~ 90
uploaded to the department of health's web site in the manner 91
prescribed by the director in consultation with the department 92
of education. The summary shall include the following: 93

(a) By immunization, the percentage of pupils who have 94
been immunized against a disease; 95

(b) By immunization, the percentage of pupils who have not 96
been immunized against a disease on each of the following 97
grounds: 98

(i) Reasons of conscience including religious convictions; 99

(ii) Medical contraindications. 100

(2) Annually by the first of December, the department of 101
health shall publish on the department's web site, by school and 102
school district, the information reported pursuant to division 103

(D) (1) of this section and division (A) (5) of section 3301.53 of 104
the Revised Code. The department shall not publish any 105
information that could be used to identify a pupil. 106

(3) The department of education shall post a link on its 107
web site to the information published by the department of 108
health under division (D) (2) of this section. 109

Sec. 3313.671. (A) As used in this section: 110

(1) "Chicken pox epidemic" means the occurrence of cases 111
of chicken pox in numbers greater than expected in the school's 112
population or for a particular period of time; 113

(2) "Immunization form" means the form developed by the 114
department of health pursuant to section 3701.1310 of the 115
Revised Code; 116

(3) "Immunized" means having received an immunization by a 117
method approved by the department of health pursuant to section 118
3701.13 of the Revised Code; 119

(4) "In the process of being immunized" has the same 120
meaning as in section 5104.014 of the Revised Code; 121

(5) "Other documentation of immunization" means any of the 122
following documents: 123

(a) Information obtained from an immunization database 124
maintained by a public health department; 125

(b) Documentation of immunization from any public health 126
department; 127

(c) Documentation of immunization from any immunization 128
provider; 129

(d) School immunization records. 130

(6) "School" means an elementary or high school for which 131
the state board of education prescribes minimum standards 132
pursuant to division (D) of section 3301.07 of the Revised Code. 133

(B)(1) Except as otherwise provided in division ~~(B)~~(C) of 134
this section, no pupil, ~~at the time of initial entry or at the~~ 135
~~beginning of each school year, to an elementary or high school~~ 136
~~for which the state board of education prescribes minimum~~ 137
~~standards pursuant to division (D) of section 3301.07 of the~~ 138
~~Revised Code,~~ who begins kindergarten, seventh grade, or twelfth 139
grade shall be permitted to remain in school for more than 140
fourteen days unless the ~~pupil presents written evidence~~ 141
~~satisfactory~~ pupil's parent or guardian provides to the person 142
in charge of admission, an immunization form or other 143
documentation of immunization indicating that the pupil has been 144
immunized ~~by a method of immunization approved by the department~~ 145
~~of health pursuant to section 3701.13 of the Revised Code~~ 146
against or is in the process of being immunized against mumps, 147
poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and 148
rubella ~~or is in the process of being immunized.~~ 149

(2) Except as provided in division ~~(B)~~(C) of this 150
section, no pupil who begins kindergarten ~~at an elementary~~ 151
~~school subject to the state board of education's minimum~~ 152
~~standards, seventh grade, or twelfth grade shall be permitted~~ 153
to remain in school for more than fourteen days unless the ~~pupil~~ 154
~~presents written evidence satisfactory~~ pupil's parent or 155
guardian provides to the person in charge of admission an 156
immunization form or other documentation of immunization 157
indicating that the pupil has been immunized ~~by a department of~~ 158
~~health approved method of immunization~~ against or is in the 159
process of being immunized against both of the following: 160

(a) During or after the school year beginning in 1999, 161
hepatitis B; 162

(b) During or after the school year beginning in 2006, 163
chicken pox. 164

(3) Except as provided in division ~~(B)~~(C) of this 165
section, during and after the school year beginning in 2016, no 166
pupil who is the age or older than the age at which immunization 167
against meningococcal disease is recommended by the ~~state~~ 168
department of health shall be permitted to remain in a school 169
~~subject to the state board of education's minimum standards for~~ 170
more than fourteen days unless the ~~pupil presents written~~ 171
~~evidence satisfactory pupil's parent or guardian provides~~ to the 172
person in charge of admission an immunization form or other 173
documentation of immunization indicating that the pupil has been 174
immunized ~~by a department of health approved method of~~ 175
~~immunization, against~~ or is in the process of being immunized, 176
against meningococcal disease. 177

(4) ~~As used in divisions (A) (1), (2), and (3) of this~~ 178
~~section, "in the process of being immunized" means the pupil has~~ 179
~~been immunized against mumps, rubeola, rubella, and chicken pox,~~ 180
~~and if the pupil has not been immunized against poliomyelitis,~~ 181
~~diphtheria, pertussis, tetanus, hepatitis B, and meningococcal~~ 182
~~disease, the pupil has received at least the first dose of the~~ 183
~~immunization sequence, and presents written evidence to the~~ 184
~~pupil's building principal or chief administrative officer of~~ 185
~~each subsequent dose required to obtain immunization at the~~ 186
~~intervals prescribed by the director of health. Any student~~ 187
pupil previously admitted under the "in process of being 188
immunized" provision and who has not complied with the 189
immunization intervals or catch-up schedule prescribed by the 190

director of health shall be excluded from school on the 191
fifteenth day of the following school year. Any ~~student-pupil~~ so 192
excluded shall be readmitted ~~upon showing evidence when the~~ 193
pupil's parent or guardian provides to the student's-pupil's 194
building principal or chief administrative officer ~~of an~~ 195
immunization form or other documentation of immunization 196
indicating progress on the director of health's interval or 197
catch-up schedule. 198

~~(B)(C)~~ (1) A pupil ~~who has had natural rubeola, and~~ 199
~~presents a signed statement from the pupil's parent, guardian,~~ 200
~~or physician to that effect,~~ is not required to be immunized 201
against rubeola if the immunization form or other documentation 202
of immunization provided pursuant to division (B) of this 203
section indicates that the pupil has had natural rubeola. 204

(2) A pupil ~~who has had natural mumps, and presents a~~ 205
~~signed statement from the pupil's parent, guardian, or physician~~ 206
~~to that effect,~~ is not required to be immunized against mumps if 207
the immunization form or other documentation of immunization 208
provided pursuant to division (B) of this section indicates that 209
the pupil has had natural mumps. 210

(3) A pupil ~~who has had natural chicken pox, and presents~~ 211
~~a signed statement from the pupil's parent, guardian, or~~ 212
~~physician to that effect,~~ is not required to be immunized 213
against chicken pox if the immunization form or other 214
documentation of immunization provided pursuant to division (B) 215
of this section indicates that the pupil has had natural chicken 216
pox. 217

(4) A pupil ~~who presents a written statement of the~~ 218
~~pupil's parent or guardian in which~~ is not required to be 219
immunized against a disease specified in division (B) of this 220

section if the immunization form or other documentation of 221
immunization provided pursuant to division (B) of this section 222
indicates that the pupil's parent or guardian declines~~declined~~ 223
to have the pupil immunized against the disease for reasons of 224
conscience, including religious convictions,~~is not required to~~ 225
~~be immunized.~~ 226

(5) ~~A child whose physician certifies in writing~~ pupil is 227
not required to be immunized against a disease specified in 228
division (B) of this section if the immunization form or other 229
documentation of immunization provided pursuant to division (B) 230
of this section indicates that such immunization against any the 231
disease is medically contraindicated~~is not required to be~~ 232
~~immunized against that disease.~~ 233

~~(C) As used in this division, "chicken pox epidemic" means~~ 234
~~the occurrence of cases of chicken pox in numbers greater than~~ 235
~~expected in the school's population or for a particular period~~ 236
~~of time.~~ 237

(D) Notwithstanding division ~~(B)~~ ~~(C)~~ of this section, a 238
school may deny admission to a pupil otherwise exempted from the 239
chicken pox immunization requirement if the director of the 240
~~state~~ department of health notifies the school's principal or 241
chief administrative officer that a chicken pox epidemic exists 242
in the school's population. The denial of admission shall cease 243
when the director notifies the principal or officer that the 244
epidemic no longer exists. 245

The board of education or governing body of each school 246
subject to this section shall adopt a policy that prescribes 247
methods whereby the academic standing of a pupil who is denied 248
admission during a chicken pox epidemic may be preserved. 249

~~(D)~~ (E) Boards of health, legislative authorities of 250
municipal corporations, and boards of township trustees on 251
application of the board of education of the district or proper 252
authority of any school affected by this section, shall provide 253
at the public expense, without delay, the means of immunization 254
against mumps, poliomyelitis, rubeola, rubella, diphtheria, 255
pertussis, tetanus, and hepatitis B to pupils who are not so 256
provided by their parents or guardians. 257

~~(E)~~ (F) The department of health shall specify the age at 258
which immunization against meningococcal disease, as required by 259
division ~~(A)~~ (B) (3) of this section, is recommended, and approve 260
a method of immunization against meningococcal disease. 261

(G) Notwithstanding anything to the contrary in this 262
section, a pupil who has transferred from another state and does 263
not satisfy the requirements of division (B) of this section may 264
be permitted to remain in school if the pupil's parent or 265
guardian submits proof of immunization within fourteen days 266
after the pupil's date of enrollment. 267

Sec. 3701.1310. (A) The department of health shall develop 268
and publish on its web site an immunization form to document a 269
child's immunization history. During and after the school year 270
beginning in 2019, the form shall be used to satisfy the 271
requirements of section 3313.671 of the Revised Code. 272

(B) The immunization form shall include all of the 273
following: 274

(1) A component for indicating the dates that a child 275
received immunizations against each of the diseases specified in 276
section 3313.671 of the Revised Code and any other diseases 277
against which the director of health recommends immunization; 278

(2) A component indicating whether a child is subject to 279
any of the exceptions specified in section 3313.671 of the 280
Revised Code; 281

(3) A component where a child's parent or guardian may 282
indicate that the parent or guardian, in accordance with 283
division (C) (4) of section 3313.671 of the Revised Code, has 284
declined for reasons of conscience, including religious 285
convictions, to have the child immunized; 286

(4) A component whereby a child's parent or guardian may 287
indicate that the parent or guardian understands that, by 288
declining to have the child immunized, the child may be denied 289
admission to school during an epidemic or outbreak. 290

(C) (1) Each immunization form shall be signed by the 291
physician, physician assistant, advanced practice registered 292
nurse, registered nurse employed by a local health department, 293
or pharmacist responsible for administering immunizations to the 294
child. 295

(2) The immunization form shall be signed by the child's 296
parent or guardian if the child's parent or guardian declines 297
for reasons of conscience, including religious convictions, to 298
have the child immunized against one or more diseases specified 299
in section 3313.671 of the Revised Code. 300

(D) (1) If a child's parent or guardian declines for 301
reasons of conscience, including religious convictions, to have 302
the child immunized against one or more diseases specified in 303
section 3313.671 of the Revised Code, the physician, physician 304
assistant, advanced practice registered nurse, registered nurse 305
employed by a local health department, or pharmacist responsible 306
for administering immunizations to the child shall inform the 307

parent or guardian of both of the following: 308

(a) The risks and benefits of immunization; 309

(b) The health risks presented to the child and community
by the one or more diseases. 310
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(2) Upon providing information to a child's parent or
guardian under division (D)(1) of this section, a physician,
physician assistant, advanced practice registered nurse,
registered nurse employed by a local health department, or
pharmacist responsible for administering immunizations to the
child shall sign the immunization form. The signature of the
physician, physician assistant, advanced practice registered
nurse, registered nurse employed by a local health department,
or pharmacist on the immunization form indicates that the
information described in division (D)(1) of this section was
provided to the child's parent or guardian. It does not
constitute a determination that a pupil is exempt from
immunization pursuant to division (C)(4) of section 3313.671 of
the Revised Code. 312
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Sec. 3701.1311. (A) The department of health, in
consultation with the department of job and family services,
shall develop and publish on its web site a medical statement of
immunization to document a child's immunization history.
Beginning on July 1, 2019, the medical statement of immunization
shall be used to satisfy the requirements of section 5104.014 of
the Revised Code. 326
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(B) The medical statement of immunization shall include
all of the following: 333
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(1) A component for indicating the dates that a child
received immunizations against each of the diseases specified in 335
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division (B) of section 5104.014 of the Revised Code and any 337
other diseases against which the director of health recommends 338
immunization; 339

(2) A component indicating whether a child is subject to 340
any of the exceptions specified in division (C) of section 341
5104.014 of the Revised Code; 342

(3) A component where a child's parent or guardian may 343
indicate that the parent or guardian, in accordance with 344
division (C) (1) (b) of section 5104.014 of the Revised Code, has 345
declined for reasons of conscience, including religious 346
convictions, to have the child immunized; 347

(4) A component whereby a child's parent or guardian may 348
indicate that the parent or guardian understands that, by 349
declining to have the child immunized, the child may be denied 350
admission to a child day-care center, type A family day-care 351
home, or licensed type B family day-care home during an epidemic 352
or outbreak. 353

(C) (1) Each medical statement of immunization shall be 354
signed by the physician, physician assistant, advanced practice 355
registered nurse, registered nurse employed by a local health 356
department, or pharmacist responsible for administering 357
immunizations to the child. 358

(2) A medical statement of immunization shall be signed by 359
the child's parent or guardian if the child's parent or guardian 360
declines for reasons of conscience, including religious 361
convictions, to have the child immunized against one or more 362
diseases. 363

(D) (1) If a child's parent or guardian declines for 364
reasons of conscience, including religious convictions, to have 365

the child immunized against one or more diseases, the physician, 366
physician assistant, advanced practice registered nurse, 367
registered nurse employed by a local health department, or 368
pharmacist responsible for administering immunizations to the 369
child shall inform the parent or guardian of both of the 370
following: 371

(a) The risks and benefits of immunization; 372

(b) The health risks presented to the child and community 373
by the one or more diseases. 374

(2) Upon providing information to a child's parent or 375
guardian under division (D)(1) of this section, a physician, 376
physician assistant, advanced practice registered nurse, 377
registered nurse employed by a local health department, or 378
pharmacist responsible for administering immunizations to the 379
child shall sign the immunization form. The signature of the 380
physician, physician assistant, advanced practice registered 381
nurse, registered nurse employed by a local health department, 382
or pharmacist on the medical statement of immunization indicates 383
that the information described in division (D)(1) of this 384
section was provided to the child's parent or guardian. It does 385
not constitute a determination that a pupil is exempt from 386
immunization pursuant to division (C) of section 5104.014 of the 387
Revised Code. 388

Sec. 5104.014. (A) As used in this section: 389

(1) "Child" includes both of the following: 390

(a) An infant, toddler, or preschool age child; 391

(b) A school-age child who is not enrolled in a public or 392
nonpublic school but is enrolled in a child day-care center, 393
type A family day-care home, or licensed type B family day-care 394

home or receives child care from a certified in-home aide.	395
(2) "In the process of being immunized" means having	396
received at least the first dose of an immunization sequence and	397
complying with the immunization intervals or catch-up schedule	398
prescribed by the director of health.	399
(B) Except as provided in division (C) of this section,	400
not later than thirty days after enrollment in a child day-care	401
center, type A family day-care home, or licensed type B family	402
day-care home and every thirteen months thereafter while	403
enrolled in the center or home and not later than thirty days	404
after beginning to receive child care from a certified in-home	405
aide and every thirteen months thereafter while continuing to	406
receive child care from the aide, each child's caretaker parent	407
shall provide to the center, home, or in-home aide a medical	408
statement <u>of immunization</u> , as described in division (D) of this	409
section <u>3701.1311 of the Revised Code</u> , indicating that the child	410
has been immunized against or is in the process of being	411
immunized against all of the following diseases:	412
(1) Chicken pox;	413
(2) Diphtheria;	414
(3) Haemophilus influenzae type b;	415
(4) Hepatitis A;	416
(5) Hepatitis B;	417
(6) Influenza;	418
(7) Measles;	419
(8) Mumps;	420
(9) Pertussis;	421

(10) Pneumococcal disease;	422
(11) Poliomyelitis;	423
(12) Rotavirus;	424
(13) Rubella;	425
(14) Tetanus.	426
(C) (1) A child is not required to be immunized against a	427
disease specified in division (B) of this section if any of the	428
following is the case:	429
(a) Immunization against the disease is medically	430
contraindicated for the child;	431
(b) The child's parent or guardian has declined to have	432
the child immunized against the disease for reasons of	433
conscience, including religious convictions;	434
(c) Immunization against the disease is not medically	435
appropriate for the child's age.	436
(2) In the case of influenza, a child is not required to	437
be immunized against the disease if the seasonal vaccine is not	438
available.	439
(D) (1) The medical statement shall include all of the	440
following information:—	441
(a) The dates that a child received immunizations against	442
each of the diseases specified in division (B) of this section;—	443
(b) Whether a child is subject to any of the exceptions	444
specified in division (C) of this section.—	445
(2) The medical statement shall include a component where	446
a parent or guardian may indicate that the parent or guardian	447

~~has declined to have the child immunized.~~ 448

Section 2. That existing sections 3301.53, 3313.67, 449
3313.671, and 5104.014 of the Revised Code are hereby repealed. 450