

AMENDED IN ASSEMBLY MARCH 5, 2007  
AMENDED IN ASSEMBLY FEBRUARY 9, 2007  
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 16**

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**Introduced by Assembly Member Hernandez  
(Principal coauthor: Assembly Member Garcia)**

December 4, 2006

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An act to amend Section ~~120335~~ of 120365 of, and to amend, repeal, and add Section 120335 of, the Health and Safety Code, relating to pupil immunizations.

LEGISLATIVE COUNSEL'S DIGEST

AB 16, as amended, Hernandez. Pupil immunizations: human papillomavirus vaccine.

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases.

This bill would, in addition, on and after July 1, ~~2008~~ 2009, prohibit the governing authority from unconditionally admitting *or advancing* any female pupil to the 7th grade level of any of those institutions unless the pupil has received the human papillomavirus (HPV) vaccine.

This bill would require the State Department of Public Health, *in coordination with the State Department of Education*, to identify and distribute related informational materials and to inform the institutions

and all health care providers that administer HPV vaccines about the availability of the materials.

~~This bill would require a health care provider administering the HPV vaccine to provide a written disclosure to the parent or guardian relating to the HPV virus including its relation to cervical cancer and the effects of the HPV vaccine, and would require the disclosure to include the materials distributed by the department.~~

By increasing the duties of local school districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 120335 of the Health and Safety Code is  
2 amended to read:

3 120335. (a) As used in ~~Chapter 1 (commencing with Section~~  
4 ~~120325 this chapter~~, but excluding Section ~~120380~~) 120380, and  
5 as used in Sections 120400, 120405, 120410, and 120415, the term  
6 “governing authority” means the governing board of each school  
7 district or the authority of each other private or public institution  
8 responsible for the operation and control of the institution or the  
9 principal or administrator of each school or institution.

10 (b) The governing authority shall not unconditionally admit any  
11 person as a pupil of any private or public elementary or secondary  
12 school, child care center, day nursery, nursery school, family day  
13 care home, or development center, unless prior to his or her first  
14 admission to that institution he or she has been fully immunized.  
15 The following are the diseases for which immunizations shall be  
16 documented:

- 17 (1) Diphtheria.
- 18 (2) Haemophilus influenzae type b, except for children who  
19 have reached the age of four years and six months.

1 (3) Measles.

2 (4) Mumps, except for children who have reached the age of  
3 seven years.

4 (5) Pertussis (whooping cough), except for children who have  
5 reached the age of seven years.

6 (6) Poliomyelitis.

7 (7) Rubella.

8 (8) Tetanus.

9 (9) Hepatitis B for all children entering the institutions listed in  
10 this subdivision at the kindergarten level or below on or after  
11 August 1, 1997.

12 (10) Varicella (chickenpox), effective July 1, 2001. Persons  
13 already admitted into California public or private schools at the  
14 kindergarten level or above before July 1, 2001, shall be exempt  
15 from the varicella immunization requirement for school entry. This  
16 paragraph shall be operative only to the extent that funds for this  
17 purpose are appropriated in the annual Budget Act.

18 The department may adopt emergency regulations to implement  
19 this paragraph including, but not limited to, requirements for  
20 documentation and immunization status reports, in accordance  
21 with the rulemaking provisions of the Administrative Procedure  
22 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
23 Division 3 of Title 2 of the Government Code). The initial adoption  
24 of emergency regulations shall be deemed to be an emergency and  
25 considered by the Office of Administrative Law as necessary for  
26 the immediate preservation of the public peace, health and safety,  
27 or general welfare. Emergency regulations adopted pursuant to  
28 this paragraph shall remain in effect for no more than 180 days.

29 (11) Any other disease deemed appropriate by the department,  
30 taking into consideration the recommendations of the United States  
31 Public Health Services' Centers for Disease Control-~~Immunization~~  
32 ~~Practices~~ *Advisory Committee on Immunization Practices* and the  
33 American Academy of Pediatrics Committee of Infectious  
34 Diseases.

35 (c) On and after July 1, 1999, the governing authority shall not  
36 unconditionally admit any pupil to the 7th grade level, nor  
37 unconditionally advance any pupil to the 7th grade level, of any  
38 of the institutions listed in subdivision (b) unless the pupil has  
39 been fully immunized against hepatitis B.

1 (d) The department may specify the immunizing agents which  
 2 may be utilized and the manner in which immunizations are  
 3 administered.

4 (e) *This section shall become inoperative on July 1, 2009, and*  
 5 *as of January 1, 2010, is repealed, unless a later enacted statute,*  
 6 *that is enacted before January 1, 2007, deletes or extends the dates*  
 7 *on which it becomes inoperative and is repealed.*

8 SEC. 2. Section 120335 is added to the Health and Safety Code,  
 9 to read:

10 120335. (a) *As used in this chapter, but excluding Section*  
 11 *120380, and as used in Sections 120400, 120405, 120410, and*  
 12 *120415, the term “governing authority” means the governing*  
 13 *board of each school district or the authority of each other private*  
 14 *or public institution responsible for the operation and control of*  
 15 *the institution or the principal or administrator of each school or*  
 16 *institution.*

17 (b) *The governing authority shall not unconditionally admit any*  
 18 *person as a pupil of any private or public elementary or secondary*  
 19 *school, child care center, day nursery, nursery school, family day*  
 20 *care home, or development center, unless prior to his or her first*  
 21 *admission to that institution he or she has been fully immunized.*  
 22 *The following are the diseases for which immunizations shall be*  
 23 *documented:*

24 (1) *Diphtheria.*

25 (2) *Haemophilus influenzae type b, except for children who*  
 26 *have reached the age of four years and six months.*

27 (3) *Measles.*

28 (4) *Mumps, except for children who have reached the age of*  
 29 *seven years.*

30 (5) *Pertussis (whooping cough), except for children who have*  
 31 *reached the age of seven years.*

32 (6) *Poliomyelitis.*

33 (7) *Rubella.*

34 (8) *Tetanus.*

35 (9) *Hepatitis B for all children entering the institutions listed*  
 36 *in this subdivision at the kindergarten level or below on or after*  
 37 *August 1, 1997.*

38 (10) *Varicella (chickenpox), effective July 1, 2001. Persons*  
 39 *already admitted into California public or private schools at the*  
 40 *kindergarten level or above before July 1, 2001, shall be exempt*

1 *from the varicella immunization requirement for school entry. This*  
2 *paragraph shall be operative only to the extent that funds for this*  
3 *purpose are appropriated in the annual Budget Act.*

4 *The department may adopt emergency regulations to implement*  
5 *this paragraph including, but not limited to, requirements for*  
6 *documentation and immunization status reports, in accordance*  
7 *with the rulemaking provisions of the Administrative Procedure*  
8 *Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of*  
9 *Division 3 of Title 2 of the Government Code). The initial adoption*  
10 *of emergency regulations shall be deemed to be an emergency and*  
11 *considered by the Office of Administrative Law as necessary for*  
12 *the immediate preservation of the public peace, health and safety,*  
13 *or general welfare. Emergency regulations adopted pursuant to*  
14 *this paragraph shall remain in effect for no more than 180 days.*

15 *(11) Any other disease deemed appropriate by the department,*  
16 *taking into consideration the recommendations of the United States*  
17 *Public Health Services' Centers for Disease Control Advisory*  
18 *Committee on Immunization Practices and the American Academy*  
19 *of Pediatrics Committee of Infectious Diseases.*

20 *(c) On and after July 1, 1999, the governing authority shall not*  
21 *unconditionally admit any pupil to the 7th grade level, nor*  
22 *unconditionally advance any pupil to the 7th grade level, of any*  
23 *of the institutions listed in subdivision (b) unless the pupil has been*  
24 *fully immunized against hepatitis B.*

25 *(d) (1) The governing authority shall not unconditionally admit*  
26 *any female pupil to the 7th grade level, nor unconditionally*  
27 *advance any pupil to the 7th grade level, of any of the institutions*  
28 *listed in subdivision (b) unless the pupil has received the human*  
29 *papillomavirus (HPV) vaccine.*

30 *(2) The department, in coordination with the State Department*  
31 *of Education, shall identify and distribute informational materials*  
32 *about the risks associated with the HPV virus, including its*  
33 *association with cervical cancer. The materials shall discuss the*  
34 *effects of the HPV vaccine, including the risks associated with its*  
35 *use. The department shall inform institutions listed in subdivision*  
36 *(b) and all health care providers that administer HPV vaccines*  
37 *about the availability of these informational materials.*

38 *(e) The department may specify the immunizing agents that may*  
39 *be utilized and the manner in which immunizations are*  
40 *administered.*

1 (f) *This section shall become operative on July 1, 2009.*  
 2 *SEC. 3. Section 120365 of the Health and Safety Code is*  
 3 *amended to read:*

4 120365. Immunization of a person shall not be required for  
 5 admission to a school or other institution listed in Section 120335  
 6 if the parent or guardian or adult who has assumed responsibility  
 7 for his or her care and custody in the case of a minor, or the person  
 8 seeking admission if an emancipated minor, files with the  
 9 governing authority a letter or affidavit stating that ~~the~~  
 10 ~~immunization is any or all of the immunizations are~~ contrary to  
 11 his or her beliefs. However, whenever there is good cause to believe  
 12 that the person has been exposed to one of the communicable  
 13 diseases listed in subdivision (a) of Section 120325, that person  
 14 may be temporarily excluded from the school or institution until  
 15 the local health officer is satisfied that the person is no longer at  
 16 risk of developing the disease.

17 ~~SECTION 1. Section 120335 of the Health and Safety Code~~  
 18 ~~is amended to read:~~

19 ~~120335. (a) As used in Chapter 1 (commencing with Section~~  
 20 ~~120325, but excluding Section 120380), and as used in Sections~~  
 21 ~~120400, 120405, 120410, and 120415, the term “governing~~  
 22 ~~authority” means the governing board of each school district or~~  
 23 ~~the authority of each other private or public institution responsible~~  
 24 ~~for the operation and control of the institution or the principal or~~  
 25 ~~administrator of each school or institution.~~

26 ~~(b) The governing authority shall not unconditionally admit any~~  
 27 ~~person as a pupil of any private or public elementary or secondary~~  
 28 ~~school, child care center, day nursery, nursery school, family day~~  
 29 ~~care home, or development center, unless prior to his or her first~~  
 30 ~~admission to that institution he or she has been fully immunized.~~  
 31 ~~The following are the diseases for which immunizations shall be~~  
 32 ~~documented:~~

- 33 ~~(1) Diphtheria.~~
- 34 ~~(2) Haemophilus influenzae type b, except for children who~~  
 35 ~~have reached the age of four years and six months.~~
- 36 ~~(3) Measles.~~
- 37 ~~(4) Mumps, except for children who have reached the age of~~  
 38 ~~seven years.~~
- 39 ~~(5) Pertussis (whooping cough), except for children who have~~  
 40 ~~reached the age of seven years.~~

1 ~~(6) Poliomyelitis.~~

2 ~~(7) Rubella.~~

3 ~~(8) Tetanus.~~

4 ~~(9) Hepatitis B for all children entering the institutions listed in~~  
5 ~~this subdivision at the kindergarten level or below on or after~~  
6 ~~August 1, 1997.~~

7 ~~(10) Varicella (chickenpox), effective July 1, 2001. Persons~~  
8 ~~already admitted into California public or private schools at the~~  
9 ~~kindergarten level or above before July 1, 2001, shall be exempt~~  
10 ~~from the varicella immunization requirement for school entry. This~~  
11 ~~paragraph shall be operative only to the extent that funds for this~~  
12 ~~purpose are appropriated in the annual Budget Act.~~

13 ~~The department may adopt emergency regulations to implement~~  
14 ~~this paragraph including, but not limited to, requirements for~~  
15 ~~documentation and immunization status reports, in accordance~~  
16 ~~with the rulemaking provisions of the Administrative Procedure~~  
17 ~~Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of~~  
18 ~~Division 3 of Title 2 of the Government Code). The initial adoption~~  
19 ~~of emergency regulations shall be deemed to be an emergency and~~  
20 ~~considered by the Office of Administrative Law as necessary for~~  
21 ~~the immediate preservation of the public peace, health and safety,~~  
22 ~~or general welfare. Emergency regulations adopted pursuant to~~  
23 ~~this paragraph shall remain in effect for no more than 180 days.~~

24 ~~(11) Any other disease deemed appropriate by the department,~~  
25 ~~taking into consideration the recommendations of the United States~~  
26 ~~Public Health Services' Centers for Disease Control Immunization~~  
27 ~~Practices Advisory Committee and the American Academy of~~  
28 ~~Pediatrics Committee of Infectious Diseases.~~

29 ~~(e) On and after July 1, 1999, the governing authority shall not~~  
30 ~~unconditionally admit any pupil to the 7th grade level, nor~~  
31 ~~unconditionally advance any pupil to the 7th grade level, of any~~  
32 ~~of the institutions listed in subdivision (b) unless the pupil has~~  
33 ~~been fully immunized against hepatitis B.~~

34 ~~(d) (1) On and after July 1, 2008, the governing authority shall~~  
35 ~~not unconditionally admit any female pupil to the 7th grade level~~  
36 ~~of any of the institutions listed in subdivision (b) unless the pupil~~  
37 ~~has received the human papillomavirus (HPV) vaccine.~~

38 ~~(2) The State Department of Public Health shall identify and~~  
39 ~~distribute informational materials about the risks associated with~~  
40 ~~the HPV virus, including its association with cervical cancer. The~~

1 ~~materials shall discuss the effects of the HPV vaccine. The~~  
2 ~~department shall inform institutions listed in subdivision (b) and~~  
3 ~~all health care providers that administer HPV vaccines about the~~  
4 ~~availability of these informational materials.~~

5 ~~(3) Every health care provider administering the HPV vaccine~~  
6 ~~shall provide a written disclosure to the parent or guardian relating~~  
7 ~~to the HPV virus including its relation to cervical cancer and the~~  
8 ~~effects of the HPV vaccine. The disclosure shall include the~~  
9 ~~materials distributed by the department pursuant to paragraph (2).~~

10 ~~(e) The department may specify the immunizing agents which~~  
11 ~~may be utilized and the manner in which immunizations are~~  
12 ~~administered.~~

13 ~~SEC. 2.~~

14 *SEC. 4.* If the Commission on State Mandates determines that  
15 this act contains costs mandated by the state, reimbursement to  
16 local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.