

Introduced by Senator YeeFebruary 22, 2007

An act to amend Section 120325 of, and to amend, repeal, and add Section 120335 of, the Health and Safety Code, relating to vaccinations.

LEGISLATIVE COUNSEL'S DIGEST

SB 533, as introduced, Yee. Health: immunizations: pneumococcus.

Existing law requires county health officers to organize and maintain a program to make immunizations available to certain persons. Existing law states the intent of the Legislature to provide a means for the eventual achievement of immunization against certain childhood diseases. Under existing law, persons exposed to those childhood diseases may be temporarily excluded from school until a determination is made by the local health officer that the person is no longer at risk of developing the disease.

This bill would add pneumococcus to the list of childhood diseases for which the Legislature intends the eventual achievement of immunization.

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, on and after July 1, 2008, add pneumococcus to the list of diseases, except for children who are 4 years and 11 months of age and older. Because the bill would add to the duties of certain local agencies it 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. Due to the increased health risks to children in
2 child care environments, the positive impact of immunization on
3 California’s senior citizens, and the need to eliminate cultural and
4 racial disparities in immunization rates, it is the intent of the
5 Legislature in enacting this act to promote immunization for all
6 California children and support state immunization requirements
7 that conform to the recommendations and timelines of the United
8 States Public Health Services’ Centers for Disease Control
9 Immunization Practices Advisory Committee and the American
10 Academy of Pediatrics Committee of Infectious Diseases.

11 SEC. 2. Section 120325 of the Health and Safety Code is
12 amended to read:

13 120325. In enacting ~~Chapter 1 (commencing with Section~~
14 ~~120325 this chapter~~, but excluding Section ~~120380~~) 120380 and
15 in enacting Sections 120400, 120405, 120410, and 120415, it is
16 the intent of the Legislature to provide:

17 (a) A means for the eventual achievement of total immunization
18 of appropriate age groups against the following childhood diseases:

- 19 (1) Diphtheria.
- 20 (2) Hepatitis B.
- 21 (3) Haemophilus influenzae type b.
- 22 (4) Measles.
- 23 (5) Mumps.
- 24 (6) Pertussis (whooping cough).
- 25 (7) *Pneumococcus*.
- 26 ~~(7)~~
- 27 (8) Poliomyelitis.
- 28 ~~(8)~~

1 (9) Rubella.

2 ~~(9)~~

3 (10) Tetanus.

4 ~~(10)~~

5 (11) Varicella (chickenpox). This paragraph shall be operative
6 only to the extent that funds for this purpose are appropriated in
7 the annual Budget Act.

8 ~~(11)~~

9 (12) Any other disease that is consistent with the most current
10 recommendations of the United States Public Health Services'
11 Centers for Disease Control Immunization Practices Advisory
12 Committee and the American Academy of Pediatrics Committee
13 of Infectious Diseases, and deemed appropriate by the department.

14 (b) That the persons required to be immunized be allowed to
15 obtain immunizations from whatever medical source they so desire,
16 subject only to the condition that the immunization be performed
17 in accordance with the regulations of the department and that a
18 record of the immunization is made in accordance with the
19 regulations.

20 (c) Exemptions from immunization for medical reasons or
21 because of personal beliefs.

22 (d) For the keeping of adequate records of immunization so that
23 health departments, schools, and other institutions, parents or
24 guardians, and the persons immunized will be able to ascertain
25 that a child is fully or only partially immunized, and so that
26 appropriate public agencies will be able to ascertain the
27 immunization needs of groups of children in schools or other
28 institutions.

29 (e) Incentives to public health authorities to design innovative
30 and creative programs that will promote and achieve full and timely
31 immunization of children.

32 SEC. 3. Section 120335 of the Health and Safety Code is
33 amended to read:

34 120335. (a) As used in ~~Chapter 1 (commencing with Section~~
35 ~~120325 this chapter~~, but excluding Section ~~120380~~) 120380, and
36 as used in Sections 120400, 120405, 120410, and 120415, the term
37 "governing authority" means the governing board of each school
38 district or the authority of each other private or public institution
39 responsible for the operation and control of the institution or the
40 principal or administrator of each school or institution.

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

8 (1) Diphtheria.

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

11 (3) Measles.

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

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

16 (6) Poliomyelitis.

17 (7) Rubella.

18 (8) Tetanus.

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

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

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

39 (11) Any other disease deemed appropriate by the department,
40 taking into consideration the recommendations of the United States

1 Public Health Services' Centers for Disease Control Immunization
2 Practices Advisory Committee and the American Academy of
3 Pediatrics Committee of Infectious Diseases.

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

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

12 (e) *This section shall become inoperative on July 1, 2008, and*
13 *as of January 1, 2009, is repealed, unless a later enacted statute*
14 *that is enacted before January 1, 2009, deletes or extends the dates*
15 *on which it becomes inoperative and is repealed.*

16 SEC. 4. Section 120335 is added to the Health and Safety Code,
17 to read:

18 120335. (a) As used this chapter, but excluding Section
19 120380, and as used in Sections 120400, 120405, 120410, and
20 120415, the term "governing authority" means the governing board
21 of each school district or the authority of each other private or
22 public institution responsible for the operation and control of the
23 institution or the principal or administrator of each school or
24 institution.

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

32 (1) Diphtheria.

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

35 (3) Measles.

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

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

1 (6) Pneumococcus, except for children who are four years and
2 11 months of age and older.

3 (7) Poliomyelitis.

4 (8) Rubella.

5 (9) Tetanus.

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

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

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

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

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

36 (d) The department may specify the immunizing agents which
37 may be utilized and the manner in which immunizations are
38 administered.

39 (e) This section shall become operative on July 1, 2008.

1 (PU Amended by Stats. 1999, Ch. 747, Sec. 2. Effective January
2 1, 2000.)

3 SEC. 5. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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