

ASSEMBLY BILL

No. 354

Introduced by Assembly Member Arambula

February 19, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 354, as introduced, Arambula. Health: immunizations.

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, including hepatitis B and pertussis (whooping cough) as well as any other disease deemed appropriate by the State Department of Public Health, taking into consideration the recommendations of specified entities.

This bill would add to these entities the American Academy of Family Physicians.

This bill would also, in part, remove certain of the age and date restrictions.

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

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

- 1 SECTION 1. The Legislature finds and declares that it does
- 2 not intend to relinquish its responsibilities relating to immunization

1 requirements as it will continue oversight of this process through
 2 legislative and budgetary mechanisms, as necessary.

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

5 120325. In enacting ~~Chapter 1 (commencing with Section~~
 6 ~~120325, this chapter, but excluding Section 120380) 120380, and~~
 7 in enacting Sections 120400, 120405, 120410, and 120415, it is
 8 the intent of the Legislature to provide:

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

- 11 (1) Diphtheria.
- 12 (2) Hepatitis B.
- 13 (3) Haemophilus influenzae type b.
- 14 (4) Measles.
- 15 (5) Mumps.
- 16 (6) Pertussis (whooping cough).
- 17 (7) Poliomyelitis.
- 18 (8) Rubella.
- 19 (9) Tetanus.
- 20 (10) Varicella (chickenpox). This paragraph shall be operative
 21 only to the extent that funds for this purpose are appropriated in
 22 the annual Budget Act.

23 (11) Any other disease ~~that is consistent with~~ *deemed*
 24 *appropriate by the most current department, taking into*
 25 *consideration the recommendations of the Advisory Committee*
 26 *on Immunization Practices of the United States Public Health*
 27 *Services' Centers for Disease Control Immunization Practices*
 28 *Advisory Committee Department of Health and Human Services,*
 29 *the American Academy of Pediatrics Committee of Infectious*
 30 *Diseases, and deemed appropriate by the department the American*
 31 *Academy of Family Physicians.*

32 (b) That the persons required to be immunized be allowed to
 33 obtain immunizations from whatever medical source they so desire,
 34 subject only to the condition that the immunization be performed
 35 in accordance with the regulations of the department and that a
 36 record of the immunization is made in accordance with the
 37 regulations.

38 (c) Exemptions from immunization for medical reasons or
 39 because of personal beliefs.

1 (d) For the keeping of adequate records of immunization so that
2 health departments, schools, and other institutions, parents or
3 guardians, and the persons immunized will be able to ascertain
4 that a child is fully or only partially immunized, and so that
5 appropriate public agencies will be able to ascertain the
6 immunization needs of groups of children in schools or other
7 institutions.

8 (e) Incentives to public health authorities to design innovative
9 and creative programs that will promote and achieve full and timely
10 immunization of children.

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

13 120335. (a) As used in ~~Chapter 1 (commencing with Section~~
14 ~~120325; this chapter; but excluding Section 120380); 120380,~~ and
15 as used in Sections 120400, 120405, 120410, and 120415, the term
16 “governing authority” means the governing board of each school
17 district or the authority of each other private or public institution
18 responsible for the operation and control of the institution or the
19 principal or administrator of each school or institution.

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

27 (1) Diphtheria.

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

30 (3) Measles.

31 (4) Mumps, ~~except for children who have reached the age of~~
32 ~~seven years.~~

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

35 (6) Poliomyelitis.

36 (7) Rubella.

37 (8) Tetanus.

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

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

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

18 (11) Any other disease deemed appropriate by the department,
19 taking into consideration the recommendations of the *Advisory*
20 *Committee on Immunization Practices of the United States Public*
21 *Department of Health Services' Centers for Disease Control*
22 *Immunization Practices Advisory Committee and Human Services,*
23 *the American Academy of Pediatrics Committee, and the American*
24 *Academy of Infectious Diseases Family Physicians.*

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

30 (d) The department may specify the immunizing agents which
31 may be utilized and the manner in which immunizations are
32 administered.