

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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, pertussis (whooping cough), and varicella (chickenpox), 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.

Existing law makes these provisions, as they relate to varicella (chickenpox), operative only to the extent that funds are appropriated

in the annual Budget Act, and authorizes the department to adopt emergency regulations, as specified.

This bill would, regarding the varicella (chickenpox) provisions, delete the requirement that it be operative only to the extent that funds are appropriated in the annual Budget Act, and would delete the department’s authorization to adopt emergency regulations.

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~~
 3 ~~requirements as it will continue oversight of this process through~~
 4 ~~legislative and budgetary mechanisms, as necessary.~~

5 ~~SEC. 2.~~

6 SECTION 1. Section 120325 of the Health and Safety Code is
 7 amended to read:

8 120325. In enacting this chapter, but excluding Section 120380,
 9 and in enacting Sections 120400, 120405, 120410, and 120415, it
 10 is the intent of the Legislature to provide:

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

- 13 (1) Diphtheria.
- 14 (2) Hepatitis B.
- 15 (3) Haemophilus influenzae type b.
- 16 (4) Measles.
- 17 (5) Mumps.
- 18 (6) Pertussis (whooping cough).
- 19 (7) Poliomyelitis.
- 20 (8) Rubella.
- 21 (9) Tetanus.
- 22 (10) Varicella (chickenpox). This paragraph shall be operative
 23 only to the extent that funds for this purpose are appropriated in
 24 the annual Budget Act.
- 25 (11) Any other disease deemed appropriate by the department,
 26 taking into consideration the recommendations of the Advisory
 27 Committee on Immunization Practices of the United States
 28 Department of Health and Human Services, the American Academy
 29 of Pediatrics, and the American Academy of Family Physicians.

1 (b) That the persons required to be immunized be allowed to
2 obtain immunizations from whatever medical source they so desire,
3 subject only to the condition that the immunization be performed
4 in accordance with the regulations of the department and that a
5 record of the immunization is made in accordance with the
6 regulations.

7 (c) Exemptions from immunization for medical reasons or
8 because of personal beliefs.

9 (d) For the keeping of adequate records of immunization so that
10 health departments, schools, and other institutions, parents or
11 guardians, and the persons immunized will be able to ascertain
12 that a child is fully or only partially immunized, and so that
13 appropriate public agencies will be able to ascertain the
14 immunization needs of groups of children in schools or other
15 institutions.

16 (e) Incentives to public health authorities to design innovative
17 and creative programs that will promote and achieve full and timely
18 immunization of children.

19 ~~SEC. 3.~~

20 *SEC. 2.* Section 120335 of the Health and Safety Code is
21 amended to read:

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

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

- 36 (1) Diphtheria.
- 37 (2) Haemophilus influenzae type b.
- 38 (3) Measles.
- 39 (4) Mumps.
- 40 (5) Pertussis (whooping cough).

1 (6) Poliomyelitis.

2 (7) Rubella.

3 (8) Tetanus.

4 (9) Hepatitis B.

5 (10) Varicella (chickenpox).

6 (11) Any other disease deemed appropriate by the department,
7 taking into consideration the recommendations of the Advisory
8 Committee on Immunization Practices of the United States
9 Department of Health and Human Services, the American Academy
10 of Pediatrics, and the American Academy of Family Physicians.

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

16 (d) The department may specify the immunizing agents which
17 may be utilized and the manner in which immunizations are
18 administered.

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