

ASSEMBLY BILL

No. 2638

Introduced by Assembly Member Gatto

February 19, 2016

An act to amend Section 120370 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2638, as introduced, Gatto. Public health: vaccinations.

Existing law authorizes a parent or guardian to file with the governing authority of a school district or school a written statement by a licensed physician to the effect that immunization is not considered safe for a particular child, in which case that child shall be exempt from specified immunization requirements, to the extent indicated by the physician's statement, as specified.

This bill would specify that a licensed physician is not subject to discipline or liability for writing the statement described above.

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

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

- 1 SECTION 1. Section 120370 of the Health and Safety Code
- 2 is amended to read:
- 3 120370. (a) If the parent or guardian files with the governing
- 4 authority *of a school district or school* a written statement by a
- 5 licensed physician to the effect that the physical condition of the
- 6 child is such, or medical circumstances relating to the child are
- 7 such, that immunization is not considered ~~safe~~, *safe for the child*,

1 indicating the specific nature and probable duration of the medical
2 condition or circumstances, including, but not limited to, family
3 medical history, for which the physician does not recommend
4 immunization, that child shall be exempt from the requirements
5 of Chapter 1 (commencing with Section 120325, but excluding
6 Section 120380) and Sections 120400, 120405, 120410, and
7 120415 to the extent indicated by the physician's statement.

8 (b) If there is good cause to believe that a child has been exposed
9 to a disease listed in subdivision (b) of Section 120335 and his or
10 her documentary proof of immunization status does not show proof
11 of immunization against that disease, that child may be temporarily
12 excluded from the school or institution until the local health officer
13 is satisfied that the child is no longer at risk of developing or
14 transmitting the disease.

15 (c) *A licensed physician shall not be subject to discipline or*
16 *liability for writing a statement as described in subdivision (a).*