

AMENDED IN SENATE APRIL 9, 2015

SENATE BILL

No. 277

Introduced by Senators Pan and Allen

(Principal coauthor: Assembly Member Gonzalez)

(Coauthors: Senators Beall, Block, De León, Hall, Hertzberg, Hill, Jackson, Leno, McGuire, Mitchell, Stone, Wieckowski, and Wolk)

(Coauthors: Assembly Members Baker, Chiu, Cooper, Low, McCarty, Nazarian, Rendon, Mark Stone, and Wood)

February 19, 2015

An act to add Section 48980.5 to the Education Code, and to amend ~~Section 120325~~ *Sections 120325, 120335, and 120370* of, and to repeal ~~and add~~ Section 120365 of, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 277, as amended, Pan. Public health: vaccinations.

(1) Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any public or private elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her admission to that institution he or she has been fully immunized against various diseases, including measles, mumps, and pertussis, subject to any specific age criteria. Existing law authorizes an exemption from those provisions for medical reasons or because of personal beliefs, if specified forms are submitted to the governing authority. *Existing law requires the governing authority of a school or other institution to require documentary proof of each entrant's immunization status. Existing law authorizes the governing authority of a school or other institution to temporarily exclude a child from the*

school or institution if the authority has good cause to believe that the child has been exposed to one of those diseases, as specified.

This bill would eliminate the exemption from immunization based upon personal beliefs. *This bill would except a home-based private school from the prohibition described above of all of the school's pupils are residents of the household or are members of a single family. The bill would narrow the authorization for temporary exclusion to make it applicable only to a child whose documentary proof of immunization status does not show proof of immunization against one of the diseases described above.* The bill would make conforming changes to related provisions.

(2) Existing law requires the governing board of a school district, at the beginning of the first semester or quarter of the regular school term, to make certain notifications to parents or guardians of minor pupils including, among others, specified rights and responsibilities of a parent or guardian and specified school district policies and procedures.

This bill would require the governing board of a school district to also include in the notifications provided to parents or guardians of minor pupils at the beginning of the regular school term the immunization rates for the school in which a pupil is enrolled for each required immunization. By requiring school districts to notify parents or guardians of school immunization rates, the bill would impose a state-mandated local program.

(3) 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 48980.5 is added to the Education Code,
- 2 to read:
- 3 48980.5. The notification required pursuant to Section 48980
- 4 shall also include the immunization rates for the school in which

1 a pupil is enrolled for each of the immunizations required pursuant
2 to Section 120335 of the Health and Safety Code.

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

5 120325. In enacting this chapter, but excluding Section 120380,
6 and in enacting Sections 120400, 120405, 120410, and 120415, it
7 is the intent of the Legislature to provide:

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

- 10 (1) Diphtheria.
- 11 (2) Hepatitis B.
- 12 (3) Haemophilus influenzae type b.
- 13 (4) Measles.
- 14 (5) Mumps.
- 15 (6) Pertussis (whooping cough).
- 16 (7) Poliomyelitis.
- 17 (8) Rubella.
- 18 (9) Tetanus.
- 19 (10) Varicella (chickenpox).
- 20 (11) Any other disease deemed appropriate by the department,
21 taking into consideration the recommendations of the Advisory
22 Committee on Immunization Practices of the United States
23 Department of Health and Human Services, the American Academy
24 of Pediatrics, and the American Academy of Family Physicians.
- 25 (b) That the persons required to be immunized be allowed to
26 obtain immunizations from whatever medical source they so desire,
27 subject only to the condition that the immunization be performed
28 in accordance with the regulations of the department and that a
29 record of the immunization is made in accordance with the
30 regulations.
- 31 (c) Exemptions from immunization for medical reasons.
- 32 (d) For the keeping of adequate records of immunization so that
33 health departments, schools, and other institutions, parents or
34 guardians, and the persons immunized will be able to ascertain
35 that a child is fully or only partially immunized, and so that
36 appropriate public agencies will be able to ascertain the
37 immunization needs of groups of children in schools or other
38 institutions.

1 (e) Incentives to public health authorities to design innovative
2 and creative programs that will promote and achieve full and timely
3 immunization of children.

4 *SEC. 3. Section 120335 of the Health and Safety Code is*
5 *amended to read:*

6 120335. (a) As used in this chapter, “governing authority”
7 means the governing board of each school district or the authority
8 of each other private or public institution responsible for the
9 operation and control of the institution or the principal or
10 administrator of each school or institution.

11 (b) The governing authority shall not unconditionally admit any
12 person as a pupil of any private or public elementary or secondary
13 school, child care center, day nursery, nursery school, family day
14 care home, or development center, unless, prior to his or her first
15 admission to that institution, he or she has been fully immunized.
16 *This subdivision does not apply to a home-based private school if*
17 *all of the pupils are residents of the household or are members of*
18 *a single family.* The following are the diseases for which
19 immunizations shall be documented:

- 20 (1) Diphtheria.
- 21 (2) Haemophilus influenzae type b.
- 22 (3) Measles.
- 23 (4) Mumps.
- 24 (5) Pertussis (whooping cough).
- 25 (6) Poliomyelitis.
- 26 (7) Rubella.
- 27 (8) Tetanus.
- 28 (9) Hepatitis B.
- 29 (10) Varicella (chickenpox).
- 30 (11) Any other disease deemed appropriate by the department,
31 taking into consideration the recommendations of the Advisory
32 Committee on Immunization Practices of the United States
33 Department of Health and Human Services, the American Academy
34 of Pediatrics, and the American Academy of Family Physicians.

35 (c) Notwithstanding subdivision (b), full immunization against
36 hepatitis B shall not be a condition by which the governing
37 authority shall admit or advance any pupil to the 7th grade level
38 of any private or public elementary or secondary school.

39 (d) The governing authority shall not unconditionally admit or
40 advance any pupil to the 7th grade level of any private or public

1 elementary or secondary school unless the pupil has been fully
2 immunized against pertussis, including all pertussis boosters
3 appropriate for the pupil's age.

4 (e) The department may specify the immunizing agents that
5 may be utilized and the manner in which immunizations are
6 administered.

7 (f) This section shall become operative on July 1, 2012.

8 ~~SEC. 3.~~

9 *SEC. 4.* Section 120365 of the Health and Safety Code is
10 repealed.

11 ~~SEC. 4.~~ Section 120365 is added to the Health and Safety Code,
12 to read:

13 ~~120365. (a) Immunization of a person shall not be required~~
14 ~~for admission to a school or other institution listed in Section~~
15 ~~120335 if the parent or guardian or adult who has assumed~~
16 ~~responsibility for his or her care and custody in the case of a minor,~~
17 ~~or the person seeking admission if an emancipated minor, files~~
18 ~~with the governing authority a letter or affidavit that documents~~
19 ~~which immunizations required by Section 120355 have been given~~
20 ~~and which immunizations have not been given pursuant to an~~
21 ~~exemption from immunization for medical reasons.~~

22 ~~(b) When there is good cause to believe that the person has been~~
23 ~~exposed to one of the communicable diseases listed in subdivision~~
24 ~~(a) of Section 120325, that person may be temporarily excluded~~
25 ~~from the school or institution until the local health officer is~~
26 ~~satisfied that the person is no longer at risk of developing the~~
27 ~~disease.~~

28 *SEC. 5.* Section 120370 of the Health and Safety Code is
29 amended to read:

30 120370. (a) If the parent or guardian files with the governing
31 authority a written statement by a licensed physician to the effect
32 that the physical condition of the child is such, or medical
33 circumstances relating to the child are such, that immunization is
34 not considered safe, indicating the specific nature and probable
35 duration of the medical condition or circumstances that
36 contraindicate immunization, that ~~person~~ *child* shall be exempt
37 from the requirements of Chapter 1 (commencing with Section
38 120325, but excluding Section 120380) and Sections 120400,
39 120405, 120410, and 120415 to the extent indicated by the
40 physician's statement.

1 ***(b) When there is good cause to believe that a child whose***
2 ***documentary proof of immunization status does not show proof of***
3 ***immunization against a communicable disease listed in subdivision***
4 ***(b) of Section 120335 has been exposed to one of those diseases,***
5 ***that child may be temporarily excluded from the school or***
6 ***institution until the local health officer is satisfied that the child***
7 ***is no longer at risk of developing or transmitting the disease.***

8 ~~SEC. 5.~~

9 **SEC. 6.** If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.