

AMENDED IN SENATE MAY 5, 2015  
AMENDED IN SENATE APRIL 22, 2015  
AMENDED IN SENATE APRIL 9, 2015

**SENATE BILL**

**No. 277**

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**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

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An act to add Section 48980.5 to the Education Code, and to amend Sections 120325, 120335, and 120370 of, *to add Section 120338 to*, and to repeal 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 *existing specified immunization requirements* based upon ~~personal beliefs~~; *beliefs, but would allow exemption from future immunization requirements for either medical reasons or personal beliefs*. This bill would ~~except~~ *exempt* pupils in a home-based private school and students enrolled in an independent study pursuant to specified law from the prohibition described above. The bill would narrow the authorization for temporary exclusion to make it applicable only to a child *who has been exposed to a specified disease and* 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  
5 a pupil is enrolled for each of the immunizations required pursuant  
6 to Section 120335 of the Health and Safety Code.

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

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

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

- 14 (1) Diphtheria.
- 15 (2) Hepatitis B.
- 16 (3) Haemophilus influenzae type b.
- 17 (4) Measles.
- 18 (5) Mumps.
- 19 (6) Pertussis (whooping cough).
- 20 (7) Poliomyelitis.
- 21 (8) Rubella.
- 22 (9) Tetanus.
- 23 (10) Varicella (chickenpox).

24 (11) Any other disease deemed appropriate by the department,  
25 taking into consideration the recommendations of the Advisory  
26 Committee on Immunization Practices of the United States  
27 Department of Health and Human Services, the American Academy  
28 of Pediatrics, and the American Academy of Family Physicians.

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

35 (c) Exemptions from immunization for medical reasons.

36 (d) For the keeping of adequate records of immunization so that  
37 health departments, schools, and other institutions, parents or  
38 guardians, and the persons immunized will be able to ascertain

1 that a child is fully or only partially immunized, and so that  
2 appropriate public agencies will be able to ascertain the  
3 immunization needs of groups of children in schools or other  
4 institutions.

5 (e) Incentives to public health authorities to design innovative  
6 and creative programs that will promote and achieve full and timely  
7 immunization of children.

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

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

15 (b) The governing authority shall not unconditionally admit any  
16 person as a pupil of any private or public elementary or secondary  
17 school, child care center, day nursery, nursery school, family day  
18 care home, or development center, unless, prior to his or her first  
19 admission to that institution, he or she has been fully immunized.  
20 ~~This subdivision does not apply to a pupil in a home-based private~~  
21 ~~school or a pupil who is enrolled in an independent study pursuant~~  
22 ~~to Article 5.5 (commencing with Section 51745) of Chapter 5 of~~  
23 ~~Part 28 of the Education Code.~~ The following are the diseases for  
24 which immunizations shall be documented:

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

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

5 (d) The governing authority shall not unconditionally admit or  
6 advance any pupil to the 7th grade level of any private or public  
7 elementary or secondary school unless the pupil has been fully  
8 immunized against pertussis, including all pertussis boosters  
9 appropriate for the pupil's age.

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

13 (f) *This section does not apply to a pupil in a home-based private*  
14 *school or a pupil who is enrolled in an independent study program*  
15 *pursuant to Article 5.5 (commencing with Section 51745) of*  
16 *Chapter 5 of Part 28 of the Education Code.*

17 *SEC. 4. Section 120338 is added to the Health and Safety Code,*  
18 *to read:*

19 *120338. Notwithstanding Sections 120325 and 120335, any*  
20 *immunizations deemed appropriate by the department pursuant*  
21 *to paragraph 11 of subdivision (a) of Section 120325 or paragraph*  
22 *11 of subdivision (b) of Section 120335, may be mandated before*  
23 *a pupil's first admission to any private or public elementary or*  
24 *secondary school, child care center, day nursery, nursery school,*  
25 *family day care home, or development center, only if exemptions*  
26 *are allowed for both medical reasons and personal beliefs.*

27 ~~SEC. 4.~~

28 *SEC. 5. Section 120365 of the Health and Safety Code is*  
29 *repealed.*

30 ~~SEC. 5.~~

31 *SEC. 6. Section 120370 of the Health and Safety Code is*  
32 *amended to read:*

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

1 excluding Section 120380) and Sections 120400, 120405, 120410,  
2 and 120415 to the extent indicated by the physician’s statement.

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

14 ~~SEC. 6.~~

15 *SEC. 7.* If the Commission on State Mandates determines that  
16 this act contains costs mandated by the state, reimbursement to  
17 local agencies and school districts for those costs shall be made  
18 pursuant to Part 7 (commencing with Section 17500) of Division  
19 4 of Title 2 of the Government Code.

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