

AMENDED IN SENATE MAY 7, 2015
AMENDED IN SENATE MAY 5, 2015
AMENDED IN SENATE APRIL 22, 2015
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, *Cristina Garcia*, 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 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~~

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, but would allow exemption from future immunization requirements *deemed appropriate by the State Department of Public Health* for either medical reasons or personal beliefs. ~~This~~ The bill would exempt pupils in a home-based private school and students enrolled in an independent study *program* pursuant to specified law from the prohibition described above. The bill would narrow the authorization for temporary exclusion *from a school or other institution* 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~~-no.
State-mandated local program: ~~yes~~-no.

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.~~

8 ~~SECTION 1.~~ Section 120325 of the Health and Safety Code is
9 amended to read:

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

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

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

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.

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

1 (c) Exemptions from immunization for medical reasons.

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

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

12 ~~SEC. 3.~~

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

15 120335. (a) As used in this chapter, “governing authority”
16 means the governing board of each school district or the authority
17 of each other private or public institution responsible for the
18 operation and control of the institution or the principal or
19 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.

29 (3) Measles.

30 (4) Mumps.

31 (5) Pertussis (whooping cough).

32 (6) Poliomyelitis.

33 (7) Rubella.

34 (8) Tetanus.

35 (9) Hepatitis B.

36 (10) Varicella (chickenpox).

37 (11) Any other disease deemed appropriate by the department,
38 taking into consideration the recommendations of the Advisory
39 Committee on Immunization Practices of the United States

1 Department of Health and Human Services, the American Academy
2 of Pediatrics, and the American Academy of Family Physicians.

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

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

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

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

19 ~~SEC. 4.~~

20 *SEC. 3.* Section 120338 is added to the Health and Safety Code,
21 to read:

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

31 ~~SEC. 5.~~

32 *SEC. 4.* Section 120365 of the Health and Safety Code is
33 repealed.

34 ~~SEC. 6.~~

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

37 120370. (a) If the parent or guardian files with the governing
38 authority a written statement by a licensed physician to the effect
39 that the physical condition of the child is such, or medical
40 circumstances relating to the child are such, that immunization is

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

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

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