

AMENDED IN ASSEMBLY APRIL 25, 1995

AMENDED IN ASSEMBLY APRIL 6, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1194**

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**Introduced by Assembly Member Takasugi**

~~(Coauthors: Assembly Members Alpert, Harvey, McDonald, and Richter)~~

*(Coauthors: Assembly Members Alpert, Boland, Cunneen, Harvey, House, McDonald, Richter, and Vasconcellos)*

(Coauthor: Senator Costa)

February 23, 1995

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An act to amend Section 3381 of the Health and Safety Code, relating to communicable disease.

LEGISLATIVE COUNSEL'S DIGEST

AB 1194, as amended, Takasugi. Communicable disease: immunizations.

Existing law prohibits the governing authority, as defined, of each school or institution from 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 for certain diseases within designated time periods, unless otherwise exempted. Existing law authorizes the State Department of Health Services to specify the

immunizing agents that may be utilized and the manner in which immunizations are administered.

This bill would add, *for children who enter those institutions on or after January 1, 1997*, hepatitis B to the list of diseases for which immunizations are required.

By expanding the duties of county health officers and other local governmental entities, including schools, this bill would impose a state-mandated local program.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 3381 of the Health and Safety  
2 Code is amended to read:  
3 3381. (a) As used in this chapter, the term  
4 “governing authority” means the governing board of  
5 each school district or the authority of each other private  
6 or public institution responsible for the operation and  
7 control of the institution or the principal or administrator  
8 of each school or institution.  
9 (b) The governing authority shall not unconditionally  
10 admit any person as a pupil of any private or public  
11 elementary or secondary school, child care center, day  
12 nursery, nursery school, family day care home, or  
13 development center, unless prior to his or her first  
14 admission to that institution he or she has been fully  
15 immunized. The following are the diseases for which  
16 immunizations shall be documented:



1 (1) Diphtheria.

2 (2) *Haemophilus influenzae* type b, except for  
3 children who have reached the age of four years, six  
4 months.

5 (3) Measles.

6 (4) Mumps, except for children who have reached the  
7 age of seven years.

8 (5) Pertussis (whooping cough), except for children  
9 who have reached the age of seven years.

10 (6) Poliomyelitis.

11 (7) Rubella.

12 (8) Tetanus.

13 (9) Hepatitis B *for children who enter the institution*  
14 *on or after January 1, 1997.*

15 (10) Any other disease deemed appropriate by the  
16 state department, taking into consideration the  
17 recommendations of the United States Public Health  
18 Services' Centers for Disease Control Immunization  
19 Practices Advisory Committee and the American  
20 Academy of Pediatrics Committee of Infectious Diseases.

21 (c) The state department may specify the immunizing  
22 agents which may be utilized and the manner in which  
23 immunizations are administered.

24 SEC. 2. Notwithstanding Section 17610 of the  
25 Government Code, if the Commission on State Mandates  
26 determines that this act contains costs mandated by the  
27 state, reimbursement to local agencies and school  
28 districts for those costs shall be made pursuant to Part 7  
29 (commencing with Section 17500) of Division 4 of Title  
30 2 of the Government Code. If the statewide cost of the  
31 claim for reimbursement does not exceed one million  
32 dollars (\$1,000,000), reimbursement shall be made from  
33 the State Mandates Claims Fund.

34 Notwithstanding Section 17580 of the Government  
35 Code, unless otherwise specified, the provisions of this act  
36 shall become operative on the same date that the act  
37 takes effect pursuant to the California Constitution.

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