

Assembly Bill No. 1194

CHAPTER 291

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

[Approved by Governor August 2, 1995. Filed with Secretary of State August 3, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1194, 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 at the kindergarten level or below on or after August 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.

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

SECTION 1. Section 3381 of the Health and Safety Code is amended to read:

3381. (a) As used in this chapter, the term "governing authority" means the governing board of each school district or the authority of



each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit 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. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) Haemophilus influenzae type b, except for children who have reached the age of four years, six months.
- (3) Measles.
- (4) Mumps, except for children who have reached the age of seven years.
- (5) Pertussis (whooping cough), except for children who have reached the age of seven years.
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B for all children entering the institutions listed in subdivision (b) at the kindergarten level or below on or after August 1, 1997.
- (10) Any other disease deemed appropriate by the state department, taking into consideration the recommendations of the United States Public Health Services' Centers for Disease Control Immunization Practices Advisory Committee and the American Academy of Pediatrics Committee of Infectious Diseases.

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

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

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

