



# Ohio Legislative Service Commission

## Bill Analysis

Carol Napp

### H.B. 564

131st General Assembly  
(As Introduced)

**Reps.** Ramos, K. Smith, Boyd, Boccieri, Antonio

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### BILL SUMMARY

- Requires reporting of immunizations for students entering kindergarten, seventh grade, and eleventh grade instead of the reporting schedule prescribed by current law.
- Retains the authority of a student's parent or guardian to decline to have the student immunized against a disease for "religious convictions" but eliminates the authority to decline for other "reasons of conscience."
- Expressly applies the immunization requirements to students who attend college-preparatory boarding schools.
- Grants certain rights and responsibilities related to immunizations to the "caretaker parent" of a child.
- Requires the Department of Health to develop and publish on its website a form to be used when documenting a student's immunization history.
- Permits a student who has transferred from another state but who does not satisfy the immunization requirements to remain in school if certain conditions are satisfied.
- Requires each entity operating a preschool program to keep an immunization record for each child participating in the program in the same manner as a school district.
- Requires each public school to report a summary of the immunization records of all students enrolled, rather than only "initial entry" students as under current law, to the Director of Health by October 15 of each year.

- Requires the Department of Health to publish immunization summaries on its website.

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## CONTENT AND OPERATION

### Student immunizations

#### Reporting requirements

The bill changes the grade levels at which there must be a report of a student's immunization against specified diseases in order to attend public and nonpublic schools. Under the bill, subject to certain exceptions, each student entering kindergarten, seventh grade, and eleventh grade may not remain in school more than 14 days, unless the student's "caretaker parent" (see below) provides a form indicating that the student has been immunized, or is in the process of being immunized, against the specified diseases. Under current law, a student generally may not remain in school more than 14 days without annual proof of immunization (in the case of mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella) or proof upon entering kindergarten (in the case of hepatitis B and chicken pox).<sup>1</sup>

#### Exceptions

Currently, a student does not have to satisfy an immunization requirement if the student's parent or guardian declines to have the student immunized against a disease for "reasons of conscience, including religious convictions." The bill retains the exception for "religious convictions" but eliminates it for other "reasons of conscience."<sup>2</sup>

Current law, unchanged by the bill, also permits a student to remain in school without immunizations for rubeola, mumps, or chicken pox if the student has had the natural occurrence of the disease. In addition, current law, unchanged by the bill, permits a student to remain in school without immunization for a particular disease if the immunization is medically contraindicated.<sup>3</sup>

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<sup>1</sup> R.C. 3313.671(B).

<sup>2</sup> R.C. 3313.671(C)(4).

<sup>3</sup> R.C. 3313.671(C)(1) to (3) and (5).



## College-preparatory boarding schools

The bill expressly applies the immunization requirements to students who attend public college-preparatory boarding schools.<sup>4</sup> (Currently, there are no such schools organized under R.C. Chapter 3328. operating anywhere in the state.)

## Role of caretaker parent

The bill grants certain rights and responsibilities related to immunizations for enrollment in school to the "caretaker parent" of a student, rather than the student's parent or guardian as under current law. Under continuing law, a child's parent or guardian may be a "caretaker parent," if the parent or guardian's presence in the home is needed as the child's caretaker; however, a person other than a child's parent or guardian may be a "caretaker parent" if (1) that person has legal custody or stands in loco parentis with respect to the child *and* (2) that person's presence in the home is needed as the child's caretaker.<sup>5</sup>

Specifically, the bill (1) permits a caretaker parent to request a written copy of a student's immunization record from the student's district or school<sup>6</sup> and (2) requires a student's caretaker parent to provide to the district or school the prescribed immunization form (see below).<sup>7</sup>

## Immunization form

The bill requires the Department of Health to develop and publish on its website an immunization form to be used by a physician, physician assistant, or advanced practice registered nurse when documenting a student's immunization history. Beginning with the 2016-2017 school year, this form must be used to provide proof that a student either has received the required immunizations or meets one of the exceptions from the immunization requirements,<sup>8</sup> unless the student has transferred from another state (see "**Immunizations for transfer students**" below).

## Content

The form must include components for the following:

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<sup>4</sup> R.C. 3328.24.

<sup>5</sup> R.C. 5104.01(E), not in the bill.

<sup>6</sup> R.C. 3313.67(C).

<sup>7</sup> R.C. 3313.671(B) and (C).

<sup>8</sup> R.C. 3701.138(A).



(1) Recording the dates that a child received doses of the required immunizations or whether any of the exceptions apply;<sup>9</sup> and

(2) In the case when a child's parent or guardian has declined for religious convictions to have the child immunized against one or more of the specified diseases, indicating both that fact and that the parent or guardian understands, by declining immunizations, the child may be denied admission to school during an epidemic or outbreak.<sup>10</sup> If this component is completed, the physician, physician assistant, or advanced practice registered nurse responsible for administering immunizations must inform the caretaker parent of the risks and benefits of immunization and the health risks presented to the child and community by the one or more diseases.<sup>11</sup>

### **Signatures**

The form must be signed by the physician, physician assistant, or advanced practice registered nurse responsible for administering immunizations to the child.<sup>12</sup> If a child's parent or guardian declines for religious convictions to have the child immunized, the bill specifies that this signature indicates the information described above was provided to the caretaker parent and does not constitute a determination that the student is exempt from immunization.<sup>13</sup>

Additionally, if a child's parent or guardian declines for religious convictions to have the child immunized, the form must be signed by the caretaker parent.<sup>14</sup>

### **Immunizations for transfer students**

If a student has transferred from another state but does not satisfy the immunization requirements, the bill permits the student to remain in school, if either:

(1) The student's caretaker parent provides evidence that an appointment has been scheduled with a person who is authorized under Ohio law to administer the required immunizations; or

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<sup>9</sup> R.C. 3701.138(B)(1), (2), and (5).

<sup>10</sup> R.C. 3701.138(B)(3) and (4).

<sup>11</sup> R.C. 3701.138(D)(1).

<sup>12</sup> R.C. 3701.138(C)(1).

<sup>13</sup> R.C. 3701.138(D)(2).

<sup>14</sup> R.C. 3701.138(C)(2).

(2) The caretaker parent submits proof of vaccination within 14 days of the student's enrollment.<sup>15</sup>

### **Immunization records maintained by preschool programs**

The bill requires that each entity operating a preschool program keep an immunization record for each child participating in the program in the same manner as a school district. Additionally, each program must report a summary of those records as described below.<sup>16</sup>

### **Summary of student immunization records**

Current law requires that each public school annually by October 15 report a summary of the immunization records of all "initial entry" students to the Director of Health. The bill requires that this annual summary include the records of all students enrolled and adds a requirement that the Director prescribe a form for the summary in consultation with the Department of Education. It also requires that the summary include both:

(1) By disease, the number of students who have been immunized against that disease; and

(2) By disease, the number of students and the percentage of students who have not been immunized against the disease on each of the following grounds: religious convictions and medical contraindications.<sup>17</sup>

As noted above, the bill also requires preschool programs to report the summary to the Director.<sup>18</sup>

The bill also adds a requirement that the Department of Health, by each December 1, publish this information on its website by school and school district. However, the bill expressly prohibits the Department from publishing any information that could be used to identify a student. Finally, the bill requires the Department of Education to post on its website a link to this information.<sup>19</sup>

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<sup>15</sup> R.C. 3313.671(G).

<sup>16</sup> R.C. 3301.53(A)(5).

<sup>17</sup> R.C. 3313.67(D)(1).

<sup>18</sup> R.C. 3301.53(A)(5).

<sup>19</sup> R.C. 3313.67(D)(2) and (3).

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## HISTORY

ACTION

DATE

Introduced

05-12-16

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