



Sub. S.B. 254*

123rd General Assembly

(As Reported by S. Health, Human Services & Aging)

Sen. Johnson

BILL SUMMARY

- Requires, with certain exceptions, that students beginning kindergarten during or after the 2001 school year be immunized against chicken pox.

CONTENT AND OPERATION

Current immunization requirements

Current law requires that pupils attending public schools or nonpublic schools that meet state educational standards have certain immunizations. The diseases against which they must be immunized are mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella. Kindergartners are also required to have been immunized against hepatitis B. A pupil is not to be permitted to remain in school for more than 14 days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized against the disease or diseases or is in the process of being so immunized. "In the process of being so immunized" means the pupil has been immunized against mumps, rubeola, and rubella, and if not immunized against poliomyelitis, diphtheria, pertussis, tetanus, or hepatitis B, has received at least the first dose of the immunization sequence and presents written evidence to the school principal of each subsequent dose required to obtain immunization at the intervals prescribed by the Director of Health. A pupil admitted while in the process of being immunized who does not comply with the immunization interval schedule prescribed by the Director of Health is to be excluded from school on the 15th day of the following school year. Readmittance is permitted only after the pupil provides evidence to the school principal of progress on the Director's immunization interval schedule.

* *This analysis was prepared before the report of the Senate Health, Human Services and Aging Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

Boards of education, municipal corporations and townships on application of a board, are required to provide immunizations against the diseases listed above to pupils who have not been provided with them by their parents or guardians. The immunizations are to be provided without delay and at public expense.

The Ohio Department of Health has authority to approve methods of immunization against the diseases for which pupils are required to be immunized.

Current exceptions to immunization requirements

A pupil who has had natural rubeola or mumps, and presents a signed statement from a parent or physician to that effect, is not required to be immunized against the disease for which there is immunity. A pupil is not required to be immunized if a written statement is presented by the parent or guardian stating an objection to immunization for good cause, including religious convictions. If a physician certifies in writing that an immunization against a particular disease is medically contraindicated, a pupil is not required to be immunized against that disease.

The bill

The bill requires that students who begin kindergarten during or after the 2001 school year be immunized against chicken pox.

The bill also revises the definition of "in the process of being so immunized" to include chicken pox as one of the diseases against which a pupil must have been completely immunized.

Under the bill, a student who has had natural chicken pox and presents a signed statement from a parent or physician to that effect is not required to be immunized against chicken pox.

Chicken pox is added to the diseases for which the Department of Health is authorized to approve methods of immunization.

COMMENT

Although current law permits exceptions to the immunization requirements, it also provides that it "does not limit or impair" the right of a school district board of education to make and enforce rules to secure immunization of the pupils under its jurisdiction (R.C. 3313.671(C)). Ohio courts have held that a board of education has the authority to adopt rules excluding from school students who have not been immunized. (*State ex rel. Dunham v. Board of Ed. of City School Dist. of Cincinnati* (1951), 154 Ohio St. 469; *State ex rel. Mack v. Board of Ed. of*

Covington (Miami 1963), 1 Ohio App.2d 143). Under the bill this provision also applies to the chicken pox immunization requirement.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-15-00	p. 1379
Reported, S. Health, Human Services & Aging	---	---

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