



Sub. H.B. 463

125th General Assembly
(As Passed by the General Assembly)

Reps. Combs, Clancy, Hollister, Collier, Flowers, Schneider, Wolpert, Hagan, Hughes, McGregor, Daniels, Walcher, Wilson, Jerse, Carano, Seaver, Harwood, Martin, Beatty, DeBose, S. Smith, Barrett, Allen, C. Evans, Key, Mason, Miller, Otterman, S. Patton, Sferra, D. Stewart, Strahorn, Sykes

Sens. Armbruster, Harris, Spada, Robert Gardner

Effective date: *

ACT SUMMARY

- Requires, with certain exceptions, that pupils beginning kindergarten during or after the 2006 school year be immunized against chicken pox.
- Requires the Director of Health, to the extent appropriations made by the General Assembly make this possible, to provide the means of immunization against chicken pox to boards of health, legislative authorities of municipal corporations, and boards of township trustees for the purpose of the law governing pupil immunizations.
- Creates an exception applicable to all of the mandated immunizations that permits a pupil's parent or guardian to decline to have the pupil immunized for "reasons of conscience, including religious convictions," thereby replacing the exception permitting a parent to object to immunization for "good cause, including religious convictions."
- Eliminates a provision specifying that the mandated pupil immunization law does not limit or impair the right of a board of education to secure the immunization of pupils under its jurisdiction and prohibits a board of

** The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

education from adopting rules that are inconsistent with the law governing exemptions from mandatory immunization.

- Permits a school to deny admission to a pupil otherwise exempted from the chicken pox immunization requirement during a chicken pox epidemic.
- Requires the board of education or governing body of a school to adopt a policy whereby the academic standing of a pupil who is denied admission during an epidemic may be preserved.
- Permits the Director of Health to approve the methods of pupil immunization, rather than the means of immunization.

CONTENT AND OPERATION

Immunization requirements

(R.C. 3313.671 and 3701.13)

Law, unchanged by the act, requires pupils attending public schools or nonpublic schools that meet state educational standards to be immunized against mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, rubella, and hepatitis B. A pupil may not 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 diseases or is in the process of being so immunized.

Boards of health, municipal corporations, and townships, on application of a school board, are required to provide immunizations against the diseases for which immunization is required. The immunizations are to be provided without delay and at public expense to pupils who have not been provided with them by their parents or guardians. The Ohio Department of Health has authority to approve means of immunization against the diseases for which pupils are required to be immunized.

Exceptions to immunization requirements

There are several statutory exceptions to the immunization requirement. 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. Prior law provided that the exceptions did not limit or impair the right of a public school district board of education to make and enforce rules to secure immunization of the pupils under its jurisdiction.

The act

Immunization requirement

(R.C. 3313.67 and 3313.671)

The act requires that pupils who begin kindergarten during or after the 2006 school year be immunized against chicken pox. It revises the definition of "in the process of being immunized" to include chicken pox as one of the diseases against which a pupil must have been completely immunized.

The act also applies the current exceptions to the immunization requirements to chicken pox, except that it amends the exception pertaining to religious objections. The act provides that a pupil is not required to be immunized against any of the specified diseases if the pupil presents a written statement of the parent or guardian in which the parent or guardian *declines* to have the pupil immunized *for reasons of conscience, including religious convictions*.

The act permits a school to deny admission to a pupil otherwise exempted from the chicken pox immunization requirement if the Director of the Ohio Department of Health notifies the school's principal or chief administrative officer that a chicken pox epidemic exists in the school's population. When the Director notifies the principal or officer that the epidemic no longer exists, the school must readmit the pupil. The act further requires the board of education or governing body of each school subject to the act to adopt a policy whereby the academic standing of a pupil who is denied admission during a chicken pox epidemic may be preserved.

The act adds a pupil's guardian to the persons (parent or physician) who may sign a statement that the pupil has had natural rubeola or natural mumps to excuse the pupil from the rubeola and mumps immunization requirement. The act also provides such an exception to the chicken pox requirement.

In addition, the act removes the provision of prior law specifying that the right of a public school district board of education is not limited or impaired with respect to making and enforcing rules to secure immunizations against the various

diseases and prohibits a board of education from adopting rules that are inconsistent with the law governing exemptions from mandatory immunization.

Department of Health

(R.C. 3701.13 and 3701.134)

Whereas prior law authorized the Department of Health to approve *means* of immunization against mumps, poliomyelitis, rubeola, diphtheria, rubella, pertussis, tetanus, and hepatitis B for the purpose of carrying out the law requiring pupil immunizations, the act provides that the Department may approve *methods* of immunization against the diseases specified in the law requiring pupil immunizations.¹

The act does not add chicken pox to the diseases a board of health, legislative authority of a municipal corporation, or board of township trustees is required, on application of a board of education or proper school authority, to provide the means of immunization against. The act provides, however, that the Director of Health must, to the extent appropriations made by the General Assembly make this possible, provide the means of immunization against chicken pox to boards of health, legislative authorities of municipal corporations, and boards of township trustees for the purpose of the law governing pupil immunizations.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-15-04	p. 1760
Reported, H. Health	05-26-04	p. 2001
Passed House (70-28)	05-26-04	pp. 2109-2110
Reported, S. Health, Human Services, and Aging	12-07-04	pp. 2383-2384
Passed Senate (31-1)	12-08-04	p. 2446
House concurred in Senate amendments (67-28)	12-14-04	pp. 2682-2683

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¹ Because the act adds chicken pox to the diseases specified in the pupil immunization law, chicken pox becomes one of the diseases the Department has authority to approve the methods of immunization against.