

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 831

By: Silk

AS INTRODUCED

An Act relating to vaccine policy; amending 70 O.S. 2011, Section 1210.191, which relates to administration of certain information; requiring inclusion of certain information in certain notices; amending 63 O.S. 2011, Section 1-502, which relates to rules and regulations of the State Board of Health; clarifying certain exclusion and regulatory authority; amending 63 O.S. 2011, Section 1-505, which relates to removal of diseased persons; specifying scope of certain authority; amending 63 O.S. 2011, Section 1-507, which relates to school attendance policy for diseased persons; removing certain prohibition; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.191, is amended to read as follows:

Section 1210.191. A. No minor child shall be admitted to any public, private, or parochial school operating in this state unless and until certification is presented to the appropriate school authorities from a licensed physician, or authorized representative

1 of the State Department of Health, that such child has received or
2 is in the process of receiving, immunizations against diphtheria,
3 pertussis, tetanus, haemophilus influenzae type B (HIB), measles
4 (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is
5 likely to be immune as a result of the disease.

6 B. Immunizations required, and the manner and frequency of
7 their administration, as prescribed by the State Board of Health,
8 shall conform to recognized standard medical practices in the state.
9 The State Department of Health shall supervise and secure the
10 enforcement of the required immunization program. The State
11 Department of Education and the governing boards of the school
12 districts of this state shall render reasonable assistance to the
13 State Department of Health in the enforcement of the provisions
14 hereof.

15 C. In notifying parents or guardians of the requirements of
16 this section, school boards of education shall include information
17 about the exemptions from vaccination requirements provided by
18 Section 1210.192 of this title. The provisions of this subsection
19 shall apply to all forms of communication including, but not limited
20 to, e-mails, Internet websites, social media or paper mail delivered
21 to the physical address of the parent or guardian.

22 D. The State Board of Health, by rule, may alter the list of
23 immunizations required after notice and hearing. Any change in the
24 list of immunizations required shall be submitted to the next

1 regular session of the Legislature and such change shall remain in
2 force and effect unless and until a concurrent resolution of
3 disapproval is passed. Hearings shall be conducted by the State
4 Board of Health, or such officer, agents or employees as the Board
5 of Health may designate for that purpose. The State Board of Health
6 shall give appropriate notice of the proposed change in the list of
7 immunizations required and of the time and place for hearing. The
8 change shall become effective on a date fixed by the State Board of
9 Health. Any change in the list of immunizations required may be
10 amended or repealed in the same manner as provided for its adoption.
11 Proceedings pursuant to this subsection shall be governed by the
12 Administrative Procedures Act.

13 ~~D.~~ E. The State Department of Education and the governing
14 boards of the school districts of this state shall provide for
15 release to the Oklahoma Health Care Authority of the immunization
16 records of school children covered under Title XIX or Title XXI of
17 the federal Social Security Act who have not received the required
18 immunizations at the appropriate time. The information received
19 pursuant to such release shall be transmitted by the Oklahoma Health
20 Care Authority to medical providers who provide services to such
21 children pursuant to Title XIX or Title XXI of the Social Security
22 Act to assist in their efforts to increase the rate of childhood
23 immunizations pursuant to the requirements of the Early and Periodic
24 Screening, Diagnosis and Treatment (EPSDT) services provisions. The

1 provisions of this subsection shall not be construed to prohibit or
2 affect the eligibility of any child to receive benefits pursuant to
3 Title XIX or Title XXI of the Social Security Act or to require the
4 immunization of any child if such child is exempt from the
5 immunization requirements pursuant to law. The name of any child
6 exempt from immunization pursuant to Section 1210.192 of this title
7 shall not be included in the information transmitted pursuant to
8 this subsection.

9 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-502, is
10 amended to read as follows:

11 Section 1-502. ~~(a)~~ A. The State Board of Health shall have
12 authority to adopt such rules and regulations, not inconsistent with
13 law, as it deems necessary to aid in the prevention and control of
14 communicable disease, which may be on the following matters:
15 Recommended immunization procedures; quarantine measures; exclusion
16 of children with communicable diseases from school; regulation of
17 public meetings and public gatherings in epidemic situations of
18 those who have a communicable disease; regulation of vectors;
19 control of vehicles capable of transmitting a communicable disease;
20 detection and diagnosis of communicable disease; carriers of
21 disease; disposal of infected body wastes and other materials;
22 fumigation, cleaning and sterilization, and disinfection; and other
23 necessary measures to prevent and control communicable disease.

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1 ~~(b)~~ B. The State Board of Health is authorized to establish
2 preventive programs for noncommunicable diseases and to promulgate
3 rules and regulations for the control of causative or toxic
4 substances which can or may cause disease.

5 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-505, is
6 amended to read as follows:

7 Section 1-505. A local health officer may cause any person in a
8 public place in his jurisdiction, found to be infected with a
9 communicable disease, to be removed to a hospital or other place for
10 the reception of infected persons, unless such person ~~be sick in his~~
11 ~~own place of residence or~~ cannot be moved without danger to his
12 life.

13 SECTION 4. AMENDATORY 63 O.S. 2011, Section 1-507, is
14 amended to read as follows:

15 Section 1-507. No person having a communicable disease shall be
16 permitted to attend a ~~private or~~ public school, and it shall be the
17 duty of the parent or guardian of any such person, and the teacher
18 of such person, to exclude from the school such person until the
19 expiration of the period of isolation or quarantine ordered for the
20 case, or until permission to do so shall have been given by the
21 local health officer.

22 SECTION 5. This act shall become effective July 1, 2017.

23 SECTION 6. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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