

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4133

By: **West (Kevin)** and Roberts
(Sean)

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to immunizations; amending 70 O.S.
11 2011, Section 1210.191, which relates to required
12 immunization tests; requiring the State Department of
13 Education and school districts to provide certain
14 information and links or forms; updating statutory
15 term; and providing an effective date.

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

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

19 Section 1210.191 A. No minor child shall be admitted to any
20 public, private, or parochial school operating in this state unless
21 and until certification is presented to the appropriate school
22 authorities from a licensed physician, or authorized representative
23 of the State Department of Health, that such child has received or
24 is in the process of receiving, immunizations against diphtheria,

1 pertussis, tetanus, haemophilus influenzae type B (HIB), measles
2 (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is
3 likely to be immune as a result of the disease.

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

13 C. The ~~State Board of Health~~ Commissioner, by rule, may alter
14 the list of immunizations required after notice and hearing. Any
15 change in the list of immunizations required shall be submitted to
16 the next regular session of the Legislature and such change shall
17 remain in force and effect unless and until a concurrent resolution
18 of disapproval is passed. Hearings shall be conducted by the ~~State~~
19 ~~Board of Health~~ Commissioner, or such officer, agents or employees
20 as the ~~Board of Health~~ Commissioner may designate for that purpose.
21 The ~~State Board of Health~~ Commissioner shall give appropriate notice
22 of the proposed change in the list of immunizations required and of
23 the time and place for hearing. The change shall become effective
24 on a date fixed by the ~~State Board of Health~~ Commissioner. Any

1 change in the list of immunizations required may be amended or
2 repealed in the same manner as provided for its adoption.

3 Proceedings pursuant to this subsection shall be governed by the
4 Administrative Procedures Act.

5 D. The State Department of Education and the governing boards
6 of the school districts of this state shall provide for release to
7 the Oklahoma Health Care Authority of the immunization records of
8 school children covered under Title XIX or Title XXI of the federal
9 Social Security Act who have not received the required immunizations
10 at the appropriate time. The information received pursuant to such
11 release shall be transmitted by the Oklahoma Health Care Authority
12 to medical providers who provide services to such children pursuant
13 to Title XIX or Title XXI to assist in their efforts to increase the
14 rate of childhood immunizations pursuant to the requirements of the
15 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)
16 services provisions. The provisions of this subsection shall not be
17 construed to prohibit or affect the eligibility of any child to
18 receive benefits pursuant to Title XIX or Title XXI of the Social
19 Security Act or to require the immunization of any child if such
20 child is exempt from the immunization requirements pursuant to law.
21 The name of any child exempt from immunization pursuant to Section
22 1210.192 of this title shall not be included in the information
23 transmitted pursuant to this subsection.

24

1 E. The State Department of Education shall provide, and ensure
2 that each school district in this state provides, in any notice or
3 publication provided to parents regarding immunization requests,
4 information regarding immunization requirements for school
5 attendance, information regarding exemptions to such requirements
6 and information on where to obtain an exemption form.

7 SECTION 2. This act shall become effective November 1, 2020.

8
9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/26/2020 -
10 DO PASS, As Amended and Coauthored.

11
12
13
14
15
16
17
18
19
20
21
22
23
24