

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3151

By: West (Kevin)

AS INTRODUCED

An Act relating to school immunizations; amending 70 O.S. 2021, Section 1210.191, which relates to immunization requirements for students; requiring State Commissioner of Health to propose changes; mandating legislative approval of any proposed changes to the required immunizations list; providing that Legislature specify an effective date for changes; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, 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 of the State Department of Health, that such child has received or is in the process of receiving, immunizations against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles

1 (rubeola), rubella, poliomyelitis, varicella and hepatitis A or is
2 likely to be immune as a result of the disease.

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

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

1 the list of immunizations required may be amended or repealed in the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

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.

1 E. The State Department of Education shall provide and ensure
2 that each school district in this state provides, on the school
3 district website and in any notice or publication provided to
4 parents regarding immunization requests, the following information
5 regarding immunization requirements for school attendance: "For
6 school enrollment, a parent or guardian shall provide one of the
7 following:

8 1. Current, up-to-date immunization records; or

9 2. A completed and signed exemption form."

10 F. As used in this section:

11 1. "Immunity" means a person can be exposed to a disease
12 without becoming infected and shall not be used interchangeably with
13 "protection";

14 2. "Immunization" means a process by which a person becomes
15 immune to a disease. Immunization is often used interchangeably
16 with vaccination or inoculation;

17 3. "Protection" means to shield from harm and shall not be used
18 interchangeably with "immunity";

19 4. "Vaccination" means the act of introducing a vaccine into
20 the body to produce immunity to a specific disease; and

21 5. "Vaccine" means a preparation that is used to stimulate the
22 body's immune response against diseases. Vaccines are usually
23 administered through needle injections, but some can be administered
24 by mouth or sprayed into the nose.

SECTION 2. This act shall become effective November 1, 2022.

58-2-9196 EK 01/18/22