

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 2963

By: Olsen

4  
5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Sections 1210.191 and 1210.192, which relate to  
9 immunizations; updating statutory reference; deleting  
10 references to enforcement; modifying name of form to  
11 notification statement; requiring immediate exemption  
12 upon receipt of statement; permitting child to attend  
school upon receipt; allowing certain data to be  
collected and recorded for statistical information;  
prohibiting recording of identifiable information;  
directing destruction of certain original documents;  
and providing an effective date.

13  
14  
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1210.191, is  
17 amended to read as follows:

18 Section 1210.191 A. ~~No~~ Except as provided in Section 1210.192  
19 of this title, no minor child shall be admitted to any public,  
20 private or parochial school operating in this state unless and until  
21 certification is presented to the appropriate school authorities  
22 from a licensed physician, or authorized representative of the State  
23 Department of Health, that such child has received or is in the  
24 process of receiving, immunizations against diphtheria, pertussis,

1 tetanus, haemophilus influenzae type B (HIB), measles (rubeola),  
2 rubella, poliomyelitis, varicella and hepatitis A or is likely to be  
3 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 Commissioner of  
6 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~~ immunization program.

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

1 repealed in the same manner as provided for its adoption.

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

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

23 E. The State Department of Education shall provide and ensure  
24 that each school district in this state provides, on the school

1 district website and in any notice or publication provided to  
2 parents regarding immunization ~~requests~~ notification statements, the  
3 following information regarding immunization ~~requirements~~ policies  
4 for school attendance: "For school enrollment, a parent or guardian  
5 shall provide one of the following:

- 6 1. Current, up-to-date immunization records; or
- 7 2. A completed and signed ~~exemption form~~ notification statement  
8 as described in paragraph 2 of subsection A of Section 1210.192 of  
9 this title."

10 SECTION 2. AMENDATORY 70 O.S. 2021, Section 1210.192, is  
11 amended to read as follows:

12 Section 1210.192 A. Any minor child, through the parent,  
13 guardian, or legal custodian of the child, may submit to the health  
14 authority charged with the enforcement of the immunization laws of  
15 this state:

- 16 1. A certificate of a licensed physician, as defined in Section  
17 725.2 of Title 59 of the Oklahoma Statutes, stating that the  
18 physical condition of the child is such that immunization would  
19 endanger the life or health of the child; or

- 20 2. A written notification statement by the parent, guardian or  
21 legal custodian of the child objecting to immunization of the child;  
22 ~~whereupon.~~ Upon receipt of the notification statement by the school  
23 where the child is enrolled, the child shall be immediately exempt

24

1 from the immunization laws of this state and permitted to attend  
2 school.

3 B. The health authority may use the certificate or notification  
4 statement described in subsection A of this section to collect and  
5 record statistical information about the child, including his or her  
6 age, sex, school district, city or town, and county. The name and  
7 address of the child being exempted shall not be recorded by the  
8 health authority or any other government entity other than the  
9 school district. The health authority shall destroy the original  
10 certificate or notification statement within one (1) business day of  
11 recording the statistical data, if the information is recorded.

12 SECTION 3. This act shall become effective November 1, 2024.

13  
14 59-2-8445 EK 11/14/23  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24