

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1568

By: Grellner

AS INTRODUCED

An Act relating to public health; creating the Oklahoma Parental Decision-Making and Hepatitis B Immunization Act of 2026; providing short title; providing findings and purposes; providing for certain interpretation of state law and rules; specifying certain requirements and restrictions on administration of hepatitis B vaccine to infants; prohibiting certain vaccination requirements; specifying certain parental rights; requiring certain notice and informed consent; directing certain promulgation of rules; describing rules; providing certain construction; limiting effect of act; providing severability; providing for noncodification; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Parental Decision-Making and Hepatitis B Immunization Act of 2026".

B. The Legislature finds that:

1. The Advisory Committee on Immunization Practices (ACIP) has updated its recommendations to provide for individual-based, shared

1 clinical decision-making between parents and health care providers
2 regarding administration of the hepatitis B vaccine, including the
3 so called "birth dose," for infants born to women who test negative
4 for hepatitis B;

5 2. Under these recommendations, infants born to mothers who
6 test positive for hepatitis B or whose infection status is unknown
7 remain candidates for prompt post-exposure prophylaxis and
8 vaccination, while decisions for infants of hepatitis B-negative
9 mothers may be made on an individual basis, with initiation of the
10 vaccine series at or after two (2) months of age if parents elect to
11 vaccinate; and

12 3. Oklahoma law and regulation currently require birthing
13 hospitals and licensed midwives to implement procedures to ensure
14 administration of a universal hepatitis B birth dose to all live
15 infants within twelve (12) hours of birth, subject to documented
16 exemptions, which effectively conditions the exercise of parental
17 choice on affirmatively refusing the hospital-administered dose.

18 C. The purposes of this act are to:

19 1. Align state newborn hepatitis B vaccination requirements
20 with current ACIP guidance;

21 2. Clarify that hepatitis B immunization for eligible infants
22 and children may be administered in any lawful clinical setting and
23 is not required to occur in a hospital or birthing facility; and
24

1 3. Affirm and strengthen the fundamental right of parents and
2 legal guardians to make informed medical decisions for their
3 children in consultation with their chosen health care
4 professionals.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1-511.1 of Title 63, unless
7 there is created a duplication in numbering, reads as follows:

8 A. Notwithstanding any existing law or administrative rule to
9 the contrary, no statute, regulation, or policy of this state shall
10 be interpreted or applied to require that the hepatitis B birth dose
11 be administered in a hospital, birthing facility, or midwife
12 practice as a condition of compliance with state immunization
13 requirements for newborns or children, and hepatitis B vaccine doses
14 administered in any lawful clinical setting shall be deemed to
15 satisfy such requirements as provided by subsection D of this
16 section.

17 B. For infants born to women who test positive for hepatitis B
18 surface antigen or whose hepatitis B status is unknown at the time
19 of birth, birthing facilities shall continue to offer and are
20 authorized to administer appropriate hepatitis B immunoprophylaxis,
21 including hepatitis B vaccine, as a medically indicated standard of
22 care.

23 C. For infants born to women who test negative for hepatitis B,
24 the timing and location of initiation of the hepatitis B vaccine
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1 series shall be determined through shared clinical decision-making
2 between the parent or legal guardian and the infant's health care
3 provider, consistent with current Advisory Committee on Immunization
4 Practices (ACIP) recommendations.

5 D. Hepatitis B vaccine doses administered in any lawful
6 clinical setting including, but not limited to, a pediatric or
7 family medicine clinic, public health department clinic, tribal
8 clinic, or other licensed outpatient facility, shall be deemed to
9 satisfy any state law or regulation requiring hepatitis B
10 immunization of infants or children.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1-511.2 of Title 63, unless
13 there is created a duplication in numbering, reads as follows:

14 A. No birthing facility, health care provider, or state or
15 local agency shall require administration of a hepatitis B birth
16 dose to an infant as a condition of discharge from a hospital or
17 birthing setting, or as a condition for the provision of any other
18 medical service to the mother or child, when the mother has tested
19 negative for hepatitis B.

20 B. Parents or legal guardians shall retain the right to decline
21 or defer administration of the hepatitis B birth dose for their
22 infant for any reason including, but not limited to, personal,
23 philosophical, or religious beliefs, without penalty under state law
24 and without adverse action in child welfare, custody, or other state

1 administered proceedings, provided that such decision is documented
2 in the medical record.

3 C. Birthing facilities and health care providers shall:

4 1. Inform parents or legal guardians of the current Advisory
5 Committee on Immunization Practices (ACIP) recommendations regarding
6 hepatitis B vaccination, including the options for timing and
7 setting of administration where the mother is hepatitis B-negative;
8 and

9 2. Obtain informed consent prior to administering any hepatitis
10 B vaccine dose to a newborn or child, except where emergency
11 treatment is medically necessary to prevent imminent serious harm
12 and consent cannot reasonably be obtained.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-511.3 of Title 63, unless
15 there is created a duplication in numbering, reads as follows:

16 A. The State Commissioner of Health shall, within twelve (12)
17 months of the effective date of this act, amend rules governing
18 birthing facilities and licensed midwives to remove any requirement
19 that all live infants receive a universal hepatitis B birth dose
20 within twelve (12) hours of birth.

21 B. Such rules shall:

22 1. Preserve the obligation of birthing facilities to offer
23 hepatitis B vaccine and appropriate immunoprophylaxis to infants
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1 born to mothers who are hepatitis B-positive or whose status is
2 unknown;

3 2. Recognize that administration of the hepatitis B vaccine
4 series may lawfully occur outside the hospital or birthing setting;
5 and

6 3. Incorporate parental shared clinical decision-making for
7 infants born to hepatitis B-negative mothers, consistent with the
8 most current Advisory Committee on Immunization Practices (ACIP)
9 recommendations in effect on the effective date of this act.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-511.4 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 A. Nothing in this act shall be construed to mandate hepatitis
14 B vaccination of any infant or child beyond the requirements that
15 may be established by general Oklahoma school and child care
16 immunization laws, which remain subject to existing exemptions and
17 parental rights provisions.

18 B. In the event of any conflict between state hepatitis B
19 immunization regulations for newborns and the Advisory Committee on
20 Immunization Practices (ACIP) recommendations in effect on the
21 effective date of this act, the provisions of this act shall control
22 unless subsequently amended by the Legislature.

23 C. If any provision of this act or its application to any
24 person or circumstance is held invalid, the invalidity shall not
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affect other provisions or applications of the act that may be given
effect without the invalid provision or application, and to this end
the provisions of this act are declared severable.

SECTION 6. This act shall become effective November 1, 2026.

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