

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 564**

**Representative Ramos**

**Cosponsors: Representatives Smith, K., Boyd, Bocchieri, Antonio**

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**A BILL**

To amend sections 3301.53, 3313.67, 3313.671, and 1  
3328.24 and to enact section 3701.138 of the 2  
Revised Code to make changes to the law 3  
governing immunizations for pupils. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3301.53, 3313.67, 3313.671, and 5  
3328.24 be amended and section 3701.138 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 3301.53.** (A) The state board of education, in 8  
consultation with the director of job and family services, shall 9  
formulate and prescribe by rule adopted under Chapter 119. of 10  
the Revised Code minimum standards to be applied to preschool 11  
programs operated by school district boards of education, county 12  
DD boards, community schools, or eligible nonpublic schools. The 13  
rules shall include the following: 14

(1) Standards ensuring that the preschool program is 15  
located in a safe and convenient facility that accommodates the 16  
enrollment of the program, is of the quality to support the 17  
growth and development of the children according to the program 18

objectives, and meets the requirements of section 3301.55 of the Revised Code; 19  
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(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures; 21  
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(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience; 24  
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(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program; 32  
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(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease and that each entity operating a preschool program keeps an immunization record for each child participating in the program that complies with the requirements of division (C) of section 3313.67 of the Revised Code and reports a summary of those immunization records that complies with the requirements of division (D) (1) of that section; 35  
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(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code. 44  
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(B) The state board of education in consultation with the 47

director of job and family services shall ensure that the rules 48  
adopted by the state board under sections 3301.52 to 3301.58 of 49  
the Revised Code are consistent with and meet or exceed the 50  
requirements of Chapter 5104. of the Revised Code with regard to 51  
child day-care centers. The state board and the director of job 52  
and family services shall review all such rules at least once 53  
every five years. 54

(C) The state board of education, in consultation with the 55  
director of job and family services, shall adopt rules for 56  
school child programs that are consistent with and meet or 57  
exceed the requirements of the rules adopted for school-age 58  
child care centers under Chapter 5104. of the Revised Code. 59

**Sec. 3313.67.** (A) (1) Except as provided in division (A) (2) 60  
of this section, the board of education of each city, exempted 61  
village, or local school district may make and enforce such 62  
rules to secure the immunization of, and to prevent the spread 63  
of communicable diseases among the pupils attending or eligible 64  
to attend the schools of the district, as in its opinion the 65  
safety and interest of the public require. 66

(2) A board of education shall not adopt rules under 67  
division (A) (1) of this section that are inconsistent with 68  
~~divisions (B) and (C) of section 3313.671 of the Revised Code.~~ 69

(B) Boards of health, legislative authorities of municipal 70  
corporations, and boards of township trustees, on application of 71  
the board of education of the district, at the public expense, 72  
without delay, shall provide the means of immunization to pupils 73  
who are not so provided by their parents or guardians. 74

(C) The board of education shall keep an immunization 75  
record for each pupil, available in writing to the pupil's 76

caretaker parent or guardian as defined in section 3313.671 of 77  
the Revised Code upon request, which shall include: 78

(1) Immunizations against the diseases ~~mentioned~~ specified 79  
in ~~division (A) of~~ section 3313.671 of the Revised Code; 80

(2) Any tuberculin tests given pursuant to section 3313.71 81  
of the Revised Code; 82

(3) Any other immunizations required by the board pursuant 83  
to division (A) of this section. 84

(D) (1) Annually by the fifteenth day of October, the board 85  
shall report a summary, by school, of the immunization records 86  
of all ~~initial entry~~ pupils enrolled in the district to the 87  
director of health, on forms prescribed by the director in 88  
consultation with the department of education. The summary shall 89  
include the following: 90

(a) By disease, the number of pupils who have been 91  
immunized against the disease; 92

(b) By disease, the number of pupils and the percentage of 93  
pupils who have not been immunized against the disease on each 94  
of the following grounds: 95

(i) Religious convictions; 96

(ii) Medical contraindications. 97

(2) Annually by the first of December, the department of 98  
health shall publish on the department's web site, by school and 99  
school district, the information reported pursuant to division 100  
(D) (1) of this section and division (A) (5) of section 3301.53 of 101  
the Revised Code. The department shall not publish any 102  
information that could be used to identify a pupil. 103

(3) The department of education shall post a link on its 104  
web site to the information published by the department of 105  
health under division (D) (2) of this section. 106

**Sec. 3313.671.** (A) As used in this section: 107

(1) "Caretaker parent" has the same meaning as in section 108  
5104.01 of the Revised Code; 109

(2) "Chicken pox epidemic" means the occurrence of cases 110  
of chicken pox in numbers greater than expected in the school's 111  
population or for a particular period of time; 112

(3) "Immunization form" means the form developed by the 113  
department of health pursuant to section 3701.138 of the Revised 114  
Code; 115

(4) "Immunized" means having received an immunization by a 116  
method approved by the department of health pursuant to section 117  
3701.13 of the Revised Code; 118

(5) "In the process of being immunized" has the same 119  
meaning as in section 5104.014 of the Revised Code; 120

(6) "School" means an elementary or high school for which 121  
the state board of education prescribes minimum standards 122  
pursuant to division (D) of section 3301.07 of the Revised Code. 123

(B) (1) Except as otherwise provided in division ~~(B)~~ ~~(C)~~ of 124  
this section, no pupil, ~~at the time of initial entry or at the~~ 125  
~~beginning of each school year, to an elementary or high school~~ 126  
~~for which the state board of education prescribes minimum~~ 127  
~~standards pursuant to division (D) of section 3301.07 of the~~ 128  
~~Revised Code, who begins kindergarten, seventh grade, or~~ 129  
~~eleventh grade shall be permitted to remain in school for more~~ 130  
~~than fourteen days unless the pupil presents written evidence~~ 131

~~satisfactory pupil's caretaker parent provides~~ to the person in 132  
charge of admission, ~~an immunization form indicating~~ that the 133  
pupil has been immunized ~~by a method of immunization approved by~~ 134  
~~the department of health pursuant to section 3701.13 of the~~ 135  
~~Revised Code against~~ or is in the process of being immunized 136  
against mumps, poliomyelitis, diphtheria, pertussis, tetanus, 137  
~~rubeola, and rubella or is in the process of being immunized.~~ 138

(2) Except as provided in division ~~(B)~~ (C) of this 139  
section, no pupil who begins kindergarten ~~at an elementary~~ 140  
~~school subject to the state board of education's minimum~~ 141  
~~standards, seventh grade, or eleventh grade~~ shall be permitted 142  
to remain in school for more than fourteen days unless the ~~pupil~~ 143  
~~presents written evidence satisfactory pupil's caretaker parent~~ 144  
provides to the person in charge of admission an immunization 145  
form indicating that the pupil has been immunized ~~by a~~ 146  
~~department of health approved method of immunization against~~ or 147  
is in the process of being immunized against both of the 148  
following: 149

(a) During or after the school year beginning in 1999, 150  
hepatitis B; 151

(b) During or after the school year beginning in 2006, 152  
chicken pox. 153

(3) Except as provided in division ~~(B)~~ (C) of this 154  
section, during and after the school year beginning in 2016, no 155  
pupil who is the age or older than the age at which immunization 156  
against meningococcal disease is recommended by the ~~state~~ 157  
department of health shall be permitted to remain in ~~a~~ school 158  
~~subject to the state board of education's minimum standards for~~ 159  
more than fourteen days unless the ~~pupil presents written~~ 160  
evidence satisfactory pupil's caretaker parent provides to the 161

person in charge of admission an immunization form indicating 162  
that the pupil has been immunized ~~by a department of health-~~ 163  
~~approved method of immunization,~~ against or is in the process of 164  
being immunized, against meningococcal disease. 165

(4) ~~As used in divisions (A) (1), (2), and (3) of this~~ 166  
~~section, "in the process of being immunized" means the pupil has-~~ 167  
~~been immunized against mumps, rubeola, rubella, and chicken pox,~~ 168  
~~and if the pupil has not been immunized against poliomyelitis,~~ 169  
~~diphtheria, pertussis, tetanus, hepatitis B, and meningococcal-~~ 170  
~~disease, the pupil has received at least the first dose of the~~ 171  
~~immunization sequence, and presents written evidence to the~~ 172  
~~pupil's building principal or chief administrative officer of-~~ 173  
~~each subsequent dose required to obtain immunization at the~~ 174  
~~intervals prescribed by the director of health. Any student-~~ 175  
pupil previously admitted under the "in process of being 176  
immunized" provision and who has not complied with the 177  
immunization intervals or catch-up schedule prescribed by the 178  
director of health shall be excluded from school on the 179  
fifteenth day of the following school year. Any ~~student-pupil so~~ 180  
~~excluded shall be readmitted upon showing evidence when the~~ 181  
pupil's caretaker parent provides to the ~~student's pupil's~~ 182  
building principal or chief administrative officer ~~of an~~ 183  
immunization form indicating progress on the director of 184  
health's interval or catch-up schedule. 185

~~(B)(C) (1) A pupil who has had natural rubeola, and~~ 186  
~~presents a signed statement from the pupil's parent, guardian,~~ 187  
~~or physician to that effect, is not required to be immunized~~ 188  
against rubeola if the immunization form provided pursuant to 189  
division (B) of this section indicates that the pupil has had 190  
natural rubeola. 191

(2) A pupil ~~who has had natural mumps, and presents a~~ 192  
~~signed statement from the pupil's parent, guardian, or physician~~ 193  
~~to that effect,~~ is not required to be immunized against mumps if 194  
the immunization form provided pursuant to division (B) of this 195  
section indicates that the pupil has had natural mumps. 196

(3) A pupil ~~who has had natural chicken pox, and presents~~ 197  
~~a signed statement from the pupil's parent, guardian, or~~ 198  
~~physician to that effect,~~ is not required to be immunized 199  
against chicken pox if the immunization form provided pursuant 200  
to division (B) of this section indicates that the pupil has had 201  
natural chicken pox. 202

(4) A pupil ~~who presents a written statement of the~~ 203  
~~pupil's parent or guardian in which~~ is not required to be 204  
immunized against a disease specified in division (B) of this 205  
section if the immunization form provided pursuant to division 206  
(B) of this section indicates that the pupil's parent or 207  
guardian ~~declines~~ declined to have the pupil immunized against 208  
the disease for reasons of conscience, including religious 209  
convictions, is not required to be immunized. 210

(5) A ~~child whose physician certifies in writing~~ pupil is 211  
not required to be immunized against a disease specified in 212  
division (B) of this section if the immunization form provided 213  
pursuant to division (B) of this section indicates that such 214  
immunization against ~~any~~ the disease is medically 215  
~~contraindicated~~ is not required to be immunized against that 216  
disease. 217

~~(C) As used in this division, "chicken pox epidemic" means~~ 218  
~~the occurrence of cases of chicken pox in numbers greater than~~ 219  
~~expected in the school's population or for a particular period~~ 220  
~~of time.~~ 221

(D) Notwithstanding division ~~(B)~~ (C) of this section, a school may deny admission to a pupil otherwise exempted from the chicken pox immunization requirement if the director of the ~~state~~ department of health notifies the school's principal or chief administrative officer that a chicken pox epidemic exists in the school's population. The denial of admission shall cease when the director notifies the principal or officer that the epidemic no longer exists.

The board of education or governing body of each school subject to this section shall adopt a policy that prescribes methods whereby the academic standing of a pupil who is denied admission during a chicken pox epidemic may be preserved.

~~(D)~~ (E) Boards of health, legislative authorities of municipal corporations, and boards of township trustees on application of the board of education of the district or proper authority of any school affected by this section, shall provide at the public expense, without delay, the means of immunization against mumps, poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B to pupils who are not so provided by their parents or guardians.

~~(E)~~ (F) The department of health shall specify the age at which immunization against meningococcal disease, as required by division ~~(A)~~ (B) (3) of this section, is recommended, and approve a method of immunization against meningococcal disease.

(G) Notwithstanding anything to the contrary in this section, a pupil who has transferred from another state and does not satisfy the requirements of division (B) of this section may be permitted to remain in school if either of the following conditions are satisfied:

(1) The pupil's caretaker parent provides evidence that an appointment has been scheduled with a person who is authorized under the Revised Code to provide the immunizations required under division (B) of this section; 251  
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(2) The pupil's caretaker parent submits proof of vaccination within fourteen days of the pupil's date of enrollment. 255  
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**Sec. 3328.24.** A college-preparatory boarding school 258  
established under this chapter and its board of trustees shall 259  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 260  
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.67, 261  
3313.671, 3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, and 262  
3319.46 and Chapter 3365. of the Revised Code as if the school 263  
were a school district and the school's board of trustees were a 264  
district board of education. 265

**Sec. 3701.138.** (A) The department of health shall develop and publish on its web site an immunization form to be used by a physician, physician assistant, or advanced practice registered nurse when documenting a child's immunization history. During and after the school year beginning in 2016, the form shall be used to satisfy the requirements of section 3313.671 of the Revised Code. 266  
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(B) The immunization form shall include all of the following: 273  
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(1) A component whereby a physician, physician assistant, or advanced practice registered nurse may record the dates that a child received doses of immunizations against each of the diseases specified in section 3313.671 of the Revised Code and any other diseases against which the director of health 275  
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<u>recommends immunization;</u>	280
<u>(2) A component whereby a physician, physician assistant,</u>	281
<u>or advanced practice registered nurse may indicate whether a</u>	282
<u>child is subject to any of the exceptions specified in section</u>	283
<u>3313.671 of the Revised Code;</u>	284
<u>(3) A component whereby the child's caretaker parent may</u>	285
<u>indicate that the child's parent or guardian has declined for</u>	286
<u>religious convictions to have the child immunized against one or</u>	287
<u>more diseases specified in section 3313.671 of the Revised Code;</u>	288
<u>(4) A component whereby a child's parent or guardian may</u>	289
<u>indicate that the parent or guardian understands that, by</u>	290
<u>declining to have the child immunized, the child may be denied</u>	291
<u>admission to school during an epidemic or outbreak;</u>	292
<u>(5) A component whereby a pharmacist or pharmacy intern</u>	293
<u>may record the date that the pharmacist or pharmacy intern</u>	294
<u>administered an immunization in accordance with section 4729.41</u>	295
<u>of the Revised Code.</u>	296
<u>(C) (1) Each immunization form shall be signed by the</u>	297
<u>physician, physician assistant, or advanced practice registered</u>	298
<u>nurse responsible for administering immunizations to the child.</u>	299
<u>(2) An immunization form shall be signed by the child's</u>	300
<u>caretaker parent if the child's parent or guardian declines for</u>	301
<u>religious convictions to have the child immunized against one or</u>	302
<u>more diseases specified in section 3313.671 of the Revised Code.</u>	303
<u>(D) (1) If a child's parent or guardian declines for</u>	304
<u>religious convictions to have the child immunized against one or</u>	305
<u>more diseases specified in section 3313.671 of the Revised Code,</u>	306
<u>the physician, physician assistant, or advanced practice</u>	307
<u>registered nurse responsible for administering immunizations to</u>	308

the child shall inform the caretaker parent of all of the 309  
following: 310

(a) The risks and benefits of immunization; 311

(b) The health risks presented to the child and community 312  
by the one or more diseases. 313

(2) The signature of the physician, physician assistant, 314  
or advanced practice registered nurse on the immunization form 315  
indicates that the information described in division (D)(1) of 316  
this section was provided to the child's caretaker parent. It 317  
does not constitute a determination that a pupil is exempt from 318  
immunization pursuant to division (C)(4) of section 3313.671 of 319  
the Revised Code. 320

**Section 2.** That existing sections 3301.53, 3313.67, 321  
3313.671, and 3328.24 of the Revised Code are hereby repealed. 322