

**As Reported by the House Health and Aging Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 121**

**Senator Hite**

**Cosponsors: Senators Yuko, Schiavoni, Seitz, Williams, Burke, LaRose, Coley, Thomas, Jones, Lehner, Patton, Beagle, Balderson, Brown, Cafaro, Eklund, Manning, Obhof, Oelslager, Sawyer, Tavares, Widener, Representatives Gonzales, Huffman, Antonio, Barnes, Bishoff, Johnson, T., Lepore-Hagan, Ramos, Schuring, Sears, Sprague, Brown, Sykes**

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**A BILL**

To amend section 3313.671 of the Revised Code to 1  
require pupils to be immunized against 2  
meningococcal disease at an age recommended by 3  
the Department of Health. 4

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

**Section 1.** That section 3313.671 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 3313.671.** (A) (1) Except as otherwise provided in 7  
division (B) of this section, no pupil, at the time of initial 8  
entry or at the beginning of each school year, to an elementary 9  
or high school for which the state board of education prescribes 10  
minimum standards pursuant to division (D) of section 3301.07 of 11  
the Revised Code, shall be permitted to remain in school for 12  
more than fourteen days unless the pupil presents written 13  
evidence satisfactory to the person in charge of admission, that 14  
the pupil has been immunized by a method of immunization 15  
approved by the department of health pursuant to section 3701.13 16

of the Revised Code against mumps, poliomyelitis, diphtheria, 17  
pertussis, tetanus, rubeola, and rubella or is in the process of 18  
being immunized. 19

(2) Except as provided in division (B) of this section, no 20  
pupil who begins kindergarten at an elementary school subject to 21  
the state board of education's minimum standards shall be 22  
permitted to remain in school for more than fourteen days unless 23  
the pupil presents written evidence satisfactory to the person 24  
in charge of admission that the pupil has been immunized by a 25  
department of health-approved method of immunization or is in 26  
the process of being immunized against both of the following: 27

(a) During or after the school year beginning in 1999, 28  
hepatitis B; 29

(b) During or after the school year beginning in 2006, 30  
chicken pox. 31

(3) Except as provided in division (B) of this section, 32  
during and after the school year beginning in 2016, no pupil who 33  
is the age or older than the age at which immunization against 34  
meningococcal disease is recommended by the state department of 35  
health shall be permitted to remain in a school subject to the 36  
state board of education's minimum standards for more than 37  
fourteen days unless the pupil presents written evidence 38  
satisfactory to the person in charge of admission that the pupil 39  
has been immunized by a department of health-approved method of 40  
immunization, or is in the process of being immunized, against 41  
meningococcal disease. 42

(4) As used in divisions (A) (1) ~~and~~, (2), and (3) of this 43  
section, "in the process of being immunized" means the pupil has 44  
been immunized against mumps, rubeola, rubella, and chicken pox, 45

and if the pupil has not been immunized against poliomyelitis, 46  
diphtheria, pertussis, tetanus, ~~and~~ hepatitis B, and 47  
meningococcal disease, the pupil has received at least the first 48  
dose of the immunization sequence, and presents written evidence 49  
to the pupil's building principal or chief administrative 50  
officer of each subsequent dose required to obtain immunization 51  
at the intervals prescribed by the director of health. Any 52  
student previously admitted under the "in process of being 53  
immunized" provision and who has not complied with the 54  
immunization intervals prescribed by the director of health 55  
shall be excluded from school on the fifteenth day of the 56  
following school year. Any student so excluded shall be 57  
readmitted upon showing evidence to the student's building 58  
principal or chief administrative officer of progress on the 59  
director of health's interval schedule. 60

(B) (1) A pupil who has had natural rubeola, and presents a 61  
signed statement from the pupil's parent, guardian, or physician 62  
to that effect, is not required to be immunized against rubeola. 63

(2) A pupil who has had natural mumps, and presents a 64  
signed statement from the pupil's parent, guardian, or physician 65  
to that effect, is not required to be immunized against mumps. 66

(3) A pupil who has had natural chicken pox, and presents 67  
a signed statement from the pupil's parent, guardian, or 68  
physician to that effect, is not required to be immunized 69  
against chicken pox. 70

(4) A pupil who presents a written statement of the 71  
pupil's parent or guardian in which the parent or guardian 72  
declines to have the pupil immunized for reasons of conscience, 73  
including religious convictions, is not required to be 74  
immunized. 75

(5) A child whose physician certifies in writing that such immunization against any disease is medically contraindicated is not required to be immunized against that disease.

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

Notwithstanding division (B) 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) 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) The department of health shall specify the age at which immunization against meningococcal disease, as required by

division (A) (3) of this section, is recommended, and approve a 105  
method of immunization against meningococcal disease. 106

**Section 2.** That existing section 3313.671 of the Revised 107  
Code is hereby repealed. 108