

As Passed by the House

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, Anielski, Burkley, Celebrezze, Cera, Craig, Driehaus, Fedor, Gerberry, Hackett, Hall, Hambley, Kuhns, Leland, Maag, Manning, O'Brien, M., O'Brien, S., Patterson, Pelanda, Perales, Reineke, Retherford, Rogers, Ruhl, Schaffer, Sheehy, Slaby, Strahorn, Sweeney

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 76
immunization against any disease is medically contraindicated is 77
not required to be immunized against that disease. 78

(C) As used in this division, "chicken pox epidemic" means 79
the occurrence of cases of chicken pox in numbers greater than 80
expected in the school's population or for a particular period 81
of time. 82

Notwithstanding division (B) of this section, a school may 83
deny admission to a pupil otherwise exempted from the chicken 84
pox immunization requirement if the director of the state 85
department of health notifies the school's principal or chief 86
administrative officer that a chicken pox epidemic exists in the 87
school's population. The denial of admission shall cease when 88
the director notifies the principal or officer that the epidemic 89
no longer exists. 90

The board of education or governing body of each school 91
subject to this section shall adopt a policy that prescribes 92
methods whereby the academic standing of a pupil who is denied 93
admission during a chicken pox epidemic may be preserved. 94

(D) Boards of health, legislative authorities of municipal 95
corporations, and boards of township trustees on application of 96
the board of education of the district or proper authority of 97
any school affected by this section, shall provide at the public 98
expense, without delay, the means of immunization against mumps, 99
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 100
and hepatitis B to pupils who are not so provided by their 101
parents or guardians. 102

(E) The department of health shall specify the age at 103
which immunization against meningococcal disease, as required by 104
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