

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 559**

**Representatives Gonzales, Landis**

**Cosponsors: Representatives Slaby, Cera, Ingram**

---

**A BILL**

To amend sections 3301.53, 3313.67, 3313.671, and 1  
5104.014 and to enact sections 3701.1310 and 2  
3701.1311 of the Revised Code to make changes to 3  
the law governing immunization of children 4  
enrolled in school, preschool programs, and day- 5  
care programs. 6

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

**Section 1.** That sections 3301.53, 3313.67, 3313.671, and 7  
5104.014 be amended and sections 3701.1310 and 3701.1311 of the 8  
Revised Code be enacted to read as follows: 9

**Sec. 3301.53.** (A) The state board of education, in 10  
consultation with the director of job and family services, shall 11  
formulate and prescribe by rule adopted under Chapter 119. of 12  
the Revised Code minimum standards to be applied to preschool 13  
programs operated by school district boards of education, county 14  
boards of developmental disabilities, community schools, or 15  
eligible nonpublic schools. The rules shall include the 16  
following: 17

(1) Standards ensuring that the preschool program is 18

located in a safe and convenient facility that accommodates the 19  
enrollment of the program, is of the quality to support the 20  
growth and development of the children according to the program 21  
objectives, and meets the requirements of section 3301.55 of the 22  
Revised Code; 23

(2) Standards ensuring that supervision, discipline, and 24  
programs will be administered according to established 25  
objectives and procedures; 26

(3) Standards ensuring that preschool staff members and 27  
nonteaching employees are recruited, employed, assigned, 28  
evaluated, and provided inservice education without 29  
discrimination on the basis of age, color, national origin, 30  
race, or sex; and that preschool staff members and nonteaching 31  
employees are assigned responsibilities in accordance with 32  
written position descriptions commensurate with their training 33  
and experience; 34

(4) A requirement that boards of education intending to 35  
establish a preschool program demonstrate a need for a preschool 36  
program prior to establishing the program; 37

(5) Requirements that children participating in preschool 38  
programs have been immunized to the extent considered 39  
appropriate by the state board to prevent the spread of 40  
communicable disease and that each entity operating a preschool 41  
program keeps an immunization record for each child 42  
participating in the program that complies with the requirements 43  
of division (C) of section 3313.67 of the Revised Code and 44  
reports a summary of those immunization records that complies 45  
with the requirements of division (D) (1) of that section; 46

(6) Requirements that the parents of preschool children 47

complete the emergency medical authorization form specified in 48  
section 3313.712 of the Revised Code. 49

(B) The state board of education in consultation with the 50  
director of job and family services shall ensure that the rules 51  
adopted by the state board under sections 3301.52 to 3301.58 of 52  
the Revised Code are consistent with and meet or exceed the 53  
requirements of Chapter 5104. of the Revised Code with regard to 54  
child day-care centers. The state board and the director of job 55  
and family services shall review all such rules at least once 56  
every five years. 57

(C) The state board of education, in consultation with the 58  
director of job and family services, shall adopt rules for 59  
school child programs that are consistent with and meet or 60  
exceed the requirements of the rules adopted for school-age 61  
child care centers under Chapter 5104. of the Revised Code. 62

**Sec. 3313.67.** (A) (1) Except as provided in division (A) (2) 63  
of this section, the board of education of each city, exempted 64  
village, or local school district may make and enforce such 65  
rules to secure the immunization of, and to prevent the spread 66  
of communicable diseases among the pupils attending or eligible 67  
to attend the schools of the district, as in its opinion the 68  
safety and interest of the public require. 69

(2) A board of education shall not adopt rules under 70  
division (A) (1) of this section that are inconsistent with 71  
~~divisions (B) and (C) of section 3313.671 of the Revised Code.~~ 72

(B) Boards of health, legislative authorities of municipal 73  
corporations, and boards of township trustees, on application of 74  
the board of education of the district, at the public expense, 75  
without delay, shall provide the means of immunization to pupils 76

who are not so provided by their parents or guardians. 77

(C) The board of education shall keep an immunization 78  
record for each pupil, available in writing to the pupil's 79  
parent or guardian upon request, which shall include: 80

(1) Immunizations against the diseases ~~mentioned~~ specified 81  
in ~~division (A) of~~ section 3313.671 of the Revised Code; 82

(2) Any tuberculin tests given pursuant to section 3313.71 83  
of the Revised Code; 84

(3) Any other immunizations required by the board pursuant 85  
to division (A) of this section. 86

(D) (1) Annually by the fifteenth day of October, the board 87  
shall report a summary, by school, of the immunization records 88  
of all ~~initial-entry~~ pupils enrolled in the district to the 89  
director of health, ~~on forms in an electronic format to be~~ 90  
uploaded to the department of health's web site in the manner 91  
prescribed by the director in consultation with the department 92  
of education. The summary shall include the following: 93

(a) By immunization, the percentage of pupils who have 94  
been immunized against a disease; 95

(b) By immunization, the percentage of pupils who have not 96  
been immunized against a disease on each of the following 97  
grounds: 98

(i) Reasons of conscience including religious convictions; 99

(ii) Medical contraindications. 100

(2) Annually by the first of December, the department of 101  
health shall publish on the department's web site, by school and 102  
school district, the information reported pursuant to division 103

(D) (1) of this section and division (A) (5) of section 3301.53 of 104  
the Revised Code. The department shall not publish any 105  
information that could be used to identify a pupil. 106

(3) The department of education shall post a link on its 107  
web site to the information published by the department of 108  
health under division (D) (2) of this section. 109

**Sec. 3313.671.** (A) As used in this section: 110

(1) "Chicken pox epidemic" means the occurrence of cases 111  
of chicken pox in numbers greater than expected in the school's 112  
population or for a particular period of time; 113

(2) "Immunization form" means the form developed by the 114  
department of health pursuant to section 3701.1310 of the 115  
Revised Code; 116

(3) "Immunized" means having received an immunization by a 117  
method approved by the department of health pursuant to section 118  
3701.13 of the Revised Code; 119

(4) "In the process of being immunized" has the same 120  
meaning as in section 5104.014 of the Revised Code; 121

(5) "Other documentation of immunization" means any of the 122  
following documents: 123

(a) Information obtained from an immunization database 124  
maintained by a public health department; 125

(b) Documentation of immunization from any public health 126  
department; 127

(c) Documentation of immunization from any immunization 128  
provider; 129

(d) School immunization records. 130

(6) "School" means an elementary or high school for which 131  
the state board of education prescribes minimum standards 132  
pursuant to division (D) of section 3301.07 of the Revised Code. 133

(B)(1) Except as otherwise provided in division ~~(B)~~(C) of 134  
this section, no pupil, ~~at the time of initial entry or at the~~ 135  
~~beginning of each school year, to an elementary or high school~~ 136  
~~for which the state board of education prescribes minimum~~ 137  
~~standards pursuant to division (D) of section 3301.07 of the~~ 138  
~~Revised Code,~~ who begins kindergarten, seventh grade, or twelfth 139  
grade shall be permitted to remain in school for more than 140  
fourteen days unless the pupil presents written evidence 141  
~~satisfactory pupil's parent or guardian provides~~ to the person 142  
~~in charge of admission,~~ an immunization form or other 143  
documentation of immunization indicating that the pupil has been 144  
~~immunized by a method of immunization approved by the department~~ 145  
~~of health pursuant to section 3701.13 of the Revised Code~~ 146  
against or is in the process of being immunized against mumps, 147  
poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and 148  
rubella ~~or is in the process of being immunized.~~ 149

(2) Except as provided in division ~~(B)~~(C) of this 150  
section, no pupil who begins kindergarten ~~at an elementary~~ 151  
~~school subject to the state board of education's minimum~~ 152  
~~standards, seventh grade, or twelfth grade shall be permitted~~ 153  
to remain in school for more than fourteen days unless the ~~pupil~~ 154  
~~presents written evidence satisfactory pupil's parent or~~ 155  
guardian provides to the person in charge of admission an 156  
immunization form or other documentation of immunization 157  
indicating that the pupil has been immunized ~~by a department of~~ 158  
~~health approved method of immunization~~ against or is in the 159  
process of being immunized against both of the following: 160

(a) During or after the school year beginning in 1999, 161  
hepatitis B; 162

(b) During or after the school year beginning in 2006, 163  
chicken pox. 164

(3) Except as provided in division ~~(B)~~ (C) of this 165  
section, during and after the school year beginning in 2016, no 166  
pupil who is the age or older than the age at which immunization 167  
against meningococcal disease is recommended by the ~~state~~ 168  
department of health shall be permitted to remain in a school 169  
~~subject to the state board of education's minimum standards for~~ 170  
more than fourteen days unless the ~~pupil presents written~~ 171  
~~evidence satisfactory pupil's parent or guardian provides~~ to the 172  
person in charge of admission an immunization form or other 173  
documentation of immunization indicating that the pupil has been 174  
immunized ~~by a department of health approved method of~~ 175  
~~immunization, against~~ or is in the process of being immunized, 176  
against meningococcal disease. 177

(4) ~~As used in divisions (A) (1), (2), and (3) of this~~ 178  
~~section, "in the process of being immunized" means the pupil has~~ 179  
~~been immunized against mumps, rubeola, rubella, and chicken pox,~~ 180  
~~and if the pupil has not been immunized against poliomyelitis,~~ 181  
~~diphtheria, pertussis, tetanus, hepatitis B, and meningococcal~~ 182  
~~disease, the pupil has received at least the first dose of the~~ 183  
~~immunization sequence, and presents written evidence to the~~ 184  
~~pupil's building principal or chief administrative officer of~~ 185  
~~each subsequent dose required to obtain immunization at the~~ 186  
~~intervals prescribed by the director of health. Any student~~ 187  
pupil previously admitted under the "in process of being 188  
immunized" provision and who has not complied with the 189  
immunization intervals or catch-up schedule prescribed by the 190

director of health shall be excluded from school on the 191  
fifteenth day of the following school year. Any ~~student-pupil~~ so 192  
excluded shall be readmitted ~~upon showing evidence when the~~ 193  
pupil's parent or guardian provides to the student's-pupil's 194  
building principal or chief administrative officer ~~of an~~ 195  
immunization form or other documentation of immunization 196  
indicating progress on the director of health's interval or 197  
catch-up schedule. 198

~~(B)(C)~~ (1) A pupil ~~who has had natural rubeola, and~~ 199  
~~presents a signed statement from the pupil's parent, guardian,~~ 200  
~~or physician to that effect,~~ is not required to be immunized 201  
against rubeola if the immunization form or other documentation 202  
of immunization provided pursuant to division (B) of this 203  
section indicates that the pupil has had natural rubeola. 204

(2) A pupil ~~who has had natural mumps, and presents a~~ 205  
~~signed statement from the pupil's parent, guardian, or physician~~ 206  
~~to that effect,~~ is not required to be immunized against mumps if 207  
the immunization form or other documentation of immunization 208  
provided pursuant to division (B) of this section indicates that 209  
the pupil has had natural mumps. 210

(3) A pupil ~~who has had natural chicken pox, and presents~~ 211  
~~a signed statement from the pupil's parent, guardian, or~~ 212  
~~physician to that effect,~~ is not required to be immunized 213  
against chicken pox if the immunization form or other 214  
documentation of immunization provided pursuant to division (B) 215  
of this section indicates that the pupil has had natural chicken 216  
pox. 217

(4) A pupil ~~who presents a written statement of the~~ 218  
~~pupil's parent or guardian in which~~ is not required to be 219  
immunized against a disease specified in division (B) of this 220



section if the immunization form or other documentation of 221  
immunization provided pursuant to division (B) of this section 222  
indicates that the pupil's parent or guardian declines~~declined~~ 223  
to have the pupil immunized against the disease for reasons of 224  
conscience, including religious convictions,~~is not required to~~  
~~be immunized.~~ 226

(5) A ~~child whose physician certifies in writing~~ pupil is 227  
not required to be immunized against a disease specified in 228  
division (B) of this section if the immunization form or other 229  
documentation of immunization provided pursuant to division (B) 230  
of this section indicates that such immunization against ~~any the~~ 231  
disease is medically contraindicated ~~is not required to be~~  
~~immunized against that disease.~~ 233

~~(C) As used in this division, "chicken pox epidemic" means~~ 234  
~~the occurrence of cases of chicken pox in numbers greater than~~ 235  
~~expected in the school's population or for a particular period~~  
~~of time.~~ 237

(D) Notwithstanding division ~~(B)~~ ~~(C)~~ of this section, a 238  
school may deny admission to a pupil otherwise exempted from the 239  
chicken pox immunization requirement if the director of the 240  
~~state~~ department of health notifies the school's principal or 241  
chief administrative officer that a chicken pox epidemic exists 242  
in the school's population. The denial of admission shall cease 243  
when the director notifies the principal or officer that the 244  
epidemic no longer exists. 245

The board of education or governing body of each school 246  
subject to this section shall adopt a policy that prescribes 247  
methods whereby the academic standing of a pupil who is denied 248  
admission during a chicken pox epidemic may be preserved. 249

~~(D)~~ (E) Boards of health, legislative authorities of 250  
municipal corporations, and boards of township trustees on 251  
application of the board of education of the district or proper 252  
authority of any school affected by this section, shall provide 253  
at the public expense, without delay, the means of immunization 254  
against mumps, poliomyelitis, rubeola, rubella, diphtheria, 255  
pertussis, tetanus, and hepatitis B to pupils who are not so 256  
provided by their parents or guardians. 257

~~(E)~~ (F) The department of health shall specify the age at 258  
which immunization against meningococcal disease, as required by 259  
division ~~(A)~~ (B) (3) of this section, is recommended, and approve 260  
a method of immunization against meningococcal disease. 261

(G) Notwithstanding anything to the contrary in this 262  
section, a pupil who has transferred from another state and does 263  
not satisfy the requirements of division (B) of this section may 264  
be permitted to remain in school if the pupil's parent or 265  
guardian submits proof of immunization within fourteen days 266  
after the pupil's date of enrollment. 267

**Sec. 3701.1310.** (A) The department of health shall develop 268  
and publish on its web site an immunization form to document a 269  
child's immunization history. During and after the school year 270  
beginning in 2019, the form shall be used to satisfy the 271  
requirements of section 3313.671 of the Revised Code. 272

(B) The immunization form shall include all of the 273  
following: 274

(1) A component for indicating the dates that a child 275  
received immunizations against each of the diseases specified in 276  
section 3313.671 of the Revised Code and any other diseases 277  
against which the director of health recommends immunization; 278

(2) A component indicating whether a child is subject to 279  
any of the exceptions specified in section 3313.671 of the 280  
Revised Code; 281

(3) A component where a child's parent or guardian may 282  
indicate that the parent or guardian, in accordance with 283  
division (C) (4) of section 3313.671 of the Revised Code, has 284  
declined for reasons of conscience, including religious 285  
convictions, to have the child immunized; 286

(4) A component whereby a child's parent or guardian may 287  
indicate that the parent or guardian understands that, by 288  
declining to have the child immunized, the child may be denied 289  
admission to school during an epidemic or outbreak. 290

(C) (1) Each immunization form shall be signed by the 291  
physician, physician assistant, advanced practice registered 292  
nurse, registered nurse employed by a local health department, 293  
or pharmacist responsible for administering immunizations to the 294  
child. 295

(2) The immunization form shall be signed by the child's 296  
parent or guardian if the child's parent or guardian declines 297  
for reasons of conscience, including religious convictions, to 298  
have the child immunized against one or more diseases specified 299  
in section 3313.671 of the Revised Code. 300

(D) (1) If a child's parent or guardian declines for 301  
reasons of conscience, including religious convictions, to have 302  
the child immunized against one or more diseases specified in 303  
section 3313.671 of the Revised Code, the physician, physician 304  
assistant, advanced practice registered nurse, registered nurse 305  
employed by a local health department, or pharmacist responsible 306  
for administering immunizations to the child shall inform the 307

parent or guardian of both of the following: 308

(a) The risks and benefits of immunization; 309

(b) The health risks presented to the child and community  
by the one or more diseases. 310  
311

(2) Upon providing information to a child's parent or  
guardian under division (D)(1) of this section, a physician,  
physician assistant, advanced practice registered nurse,  
registered nurse employed by a local health department, or  
pharmacist responsible for administering immunizations to the  
child shall sign the immunization form. The signature of the  
physician, physician assistant, advanced practice registered  
nurse, registered nurse employed by a local health department,  
or pharmacist on the immunization form indicates that the  
information described in division (D)(1) of this section was  
provided to the child's parent or guardian. It does not  
constitute a determination that a pupil is exempt from  
immunization pursuant to division (C)(4) of section 3313.671 of  
the Revised Code. 312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325

**Sec. 3701.1311.** (A) The department of health, in  
consultation with the department of job and family services,  
shall develop and publish on its web site a medical statement of  
immunization to document a child's immunization history.  
Beginning on July 1, 2019, the medical statement of immunization  
shall be used to satisfy the requirements of section 5104.014 of  
the Revised Code. 326  
327  
328  
329  
330  
331  
332

(B) The medical statement of immunization shall include  
all of the following: 333  
334

(1) A component for indicating the dates that a child  
received immunizations against each of the diseases specified in 335  
336

division (B) of section 5104.014 of the Revised Code and any 337  
other diseases against which the director of health recommends 338  
immunization; 339

(2) A component indicating whether a child is subject to 340  
any of the exceptions specified in division (C) of section 341  
5104.014 of the Revised Code; 342

(3) A component where a child's parent or guardian may 343  
indicate that the parent or guardian, in accordance with 344  
division (C) (1) (b) of section 5104.014 of the Revised Code, has 345  
declined for reasons of conscience, including religious 346  
convictions, to have the child immunized; 347

(4) A component whereby a child's parent or guardian may 348  
indicate that the parent or guardian understands that, by 349  
declining to have the child immunized, the child may be denied 350  
admission to a child day-care center, type A family day-care 351  
home, or licensed type B family day-care home during an epidemic 352  
or outbreak. 353

(C) (1) Each medical statement of immunization shall be 354  
signed by the physician, physician assistant, advanced practice 355  
registered nurse, registered nurse employed by a local health 356  
department, or pharmacist responsible for administering 357  
immunizations to the child. 358

(2) A medical statement of immunization shall be signed by 359  
the child's parent or guardian if the child's parent or guardian 360  
declines for reasons of conscience, including religious 361  
convictions, to have the child immunized against one or more 362  
diseases. 363

(D) (1) If a child's parent or guardian declines for 364  
reasons of conscience, including religious convictions, to have 365

the child immunized against one or more diseases, the physician, 366  
physician assistant, advanced practice registered nurse, 367  
registered nurse employed by a local health department, or 368  
pharmacist responsible for administering immunizations to the 369  
child shall inform the parent or guardian of both of the 370  
following: 371

(a) The risks and benefits of immunization; 372

(b) The health risks presented to the child and community 373  
by the one or more diseases. 374

(2) Upon providing information to a child's parent or 375  
guardian under division (D)(1) of this section, a physician, 376  
physician assistant, advanced practice registered nurse, 377  
registered nurse employed by a local health department, or 378  
pharmacist responsible for administering immunizations to the 379  
child shall sign the immunization form. The signature of the 380  
physician, physician assistant, advanced practice registered 381  
nurse, registered nurse employed by a local health department, 382  
or pharmacist on the medical statement of immunization indicates 383  
that the information described in division (D)(1) of this 384  
section was provided to the child's parent or guardian. It does 385  
not constitute a determination that a pupil is exempt from 386  
immunization pursuant to division (C) of section 5104.014 of the 387  
Revised Code. 388

**Sec. 5104.014.** (A) As used in this section: 389

(1) "Child" includes both of the following: 390

(a) An infant, toddler, or preschool age child; 391

(b) A school-age child who is not enrolled in a public or 392  
nonpublic school but is enrolled in a child day-care center, 393  
type A family day-care home, or licensed type B family day-care 394

home or receives child care from a certified in-home aide.	395
(2) "In the process of being immunized" means having	396
received at least the first dose of an immunization sequence and	397
complying with the immunization intervals or catch-up schedule	398
prescribed by the director of health.	399
(B) Except as provided in division (C) of this section,	400
not later than thirty days after enrollment in a child day-care	401
center, type A family day-care home, or licensed type B family	402
day-care home and every thirteen months thereafter while	403
enrolled in the center or home and not later than thirty days	404
after beginning to receive child care from a certified in-home	405
aide and every thirteen months thereafter while continuing to	406
receive child care from the aide, each child's caretaker parent	407
shall provide to the center, home, or in-home aide a medical	408
statement <u>of immunization</u> , as described in <del>division (D) of this</del>	409
section <u>3701.1311 of the Revised Code</u> , indicating that the child	410
has been immunized against or is in the process of being	411
immunized against all of the following diseases:	412
(1) Chicken pox;	413
(2) Diphtheria;	414
(3) Haemophilus influenzae type b;	415
(4) Hepatitis A;	416
(5) Hepatitis B;	417
(6) Influenza;	418
(7) Measles;	419
(8) Mumps;	420
(9) Pertussis;	421

(10) Pneumococcal disease;	422
(11) Poliomyelitis;	423
(12) Rotavirus;	424
(13) Rubella;	425
(14) Tetanus.	426
(C) (1) A child is not required to be immunized against a	427
disease specified in division (B) of this section if any of the	428
following is the case:	429
(a) Immunization against the disease is medically	430
contraindicated for the child;	431
(b) The child's parent or guardian has declined to have	432
the child immunized against the disease for reasons of	433
conscience, including religious convictions;	434
(c) Immunization against the disease is not medically	435
appropriate for the child's age.	436
(2) In the case of influenza, a child is not required to	437
be immunized against the disease if the seasonal vaccine is not	438
available.	439
<del>(D) (1) The medical statement shall include all of the</del>	440
<del>following information:—</del>	441
<del>(a) The dates that a child received immunizations against</del>	442
<del>each of the diseases specified in division (B) of this section;—</del>	443
<del>(b) Whether a child is subject to any of the exceptions</del>	444
<del>specified in division (C) of this section.—</del>	445
<del>(2) The medical statement shall include a component where</del>	446
<del>a parent or guardian may indicate that the parent or guardian</del>	447



~~has declined to have the child immunized.~~ 448

**Section 2.** That existing sections 3301.53, 3313.67, 449  
3313.671, and 5104.014 of the Revised Code are hereby repealed. 450