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H.B. 561  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. M. Miller and Robb Blasdel

Elizabeth Molnar, Attorney

### SUMMARY

- Requires public and chartered nonpublic schools, preschool programs, and child care providers, when notifying parents about childhood immunizations required by existing law as a condition of continued admission or enrollment, to also notify parents about the law's exemptions.
- Generally prohibits a school or child care provider – when a parent declines immunization for the parent's child – from requiring the parent to provide any other information beyond a written or medical statement and requires a preschool program to honor immunization exemptions.
- Authorizes an individual who believes that a school, program, or provider is not complying with the bill to file a complaint with the Department of Education and Workforce (DEW), the Department of Children and Youth (DCY) Director, or a county department of job and family services and establishes a 14-day timeline by which the complaint's review and investigation must occur.
- After determining that a failure to comply occurred, requires DEW or the DCY Director or county department to order the school, program, or provider to become compliant within 30 days and, if not compliant within that period, to revoke the school's charter or program's license or suspend the provider's license.
- Repeals the law authorizing a school to deny admission – ***during a chicken pox epidemic*** – to a pupil ***exempt from*** the statutory requirement to be immunized against the disease.
- Instead authorizes a school to deny admission to a pupil ***who has contracted chicken pox, measles, mumps, or rubella*** and prohibits the school from denying admission to an ***uninfected*** pupil, including one exempt from statutory immunization requirements for reasons of conscience or medical contraindications.

- Eliminates the requirement that a child who is either of the following be immunized against hepatitis B: (1) enrolled in a child care center, type A family child care home, or licensed type B child care home or (2) receiving care from a certified in-home aide.
- Names the act the Parental Clarity on Health Options and Information on Conscientious Exemptions or Parental “C.H.O.I.C.E” Act.

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## DETAILED ANALYSIS

### Entities subject to the bill

H.B. 561 revises the law governing childhood immunizations and exemptions. At present, that law applies to the following entities: schools subject to minimum standards prescribed by the DEW Director, which include school districts, community schools, STEM schools, and chartered nonpublic (“private”) schools; child care centers and family child care homes licensed by DCY; and in-home aides certified by county directors of job and family services.<sup>1</sup> The bill extends that law, and its revisions, to preschool programs operated by school district boards of education and county boards of developmental disabilities.<sup>2</sup>

### Note on preschool programs

Existing statutory law requires DCY to prescribe by rule minimum standards for preschool programs, including requirements that children participating in the programs be immunized to the extent the DCY Director considers appropriate to prevent the spread of communicable disease.<sup>3</sup> The bill’s requirements for preschool programs are triggered on the adoption of those rules.<sup>4</sup> Current DCY rules include immunization requirements for children attending preschool programs, which appear to mirror the requirements for children attending schools subject to the DEW Director’s standards.<sup>5</sup>

### Note on child care providers

Existing law requires each child care center and type A family child care homes operating in Ohio to hold a DCY-issued license.<sup>6</sup> Under current law, a type A family child care home may provide child care to not more than 14 children at one time in the provider’s permanent residence.<sup>7</sup>

A type B family child care home, in which not more than seven children receive child care at one time in the provider’s permanent residence, must be licensed by DCY only if the home

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<sup>1</sup> R.C. 3313.671 and 5104.014.

<sup>2</sup> R.C. 3301.16, 3301.53, and 3301.532.

<sup>3</sup> R.C. 3301.53(A)(5).

<sup>4</sup> R.C. 3301.532.

<sup>5</sup> Ohio Administrative Code 5180-37-08(B)(2)(c).

<sup>6</sup> R.C. 5104.02.

<sup>7</sup> R.C. 5104.01(XX).

provides publicly funded child care.<sup>8</sup> A certified in-home aide is an individual who (1) is certified by a county director of job and family services to provide publicly funded child care in a child's own home and (2) does not reside with the child.<sup>9</sup>

## **Immunization requirements and exemptions – background**

Ohio statutory law requires a child to be vaccinated against specified diseases to remain for more than 14 days in a school subject to the DEW Director's minimum standards or as a condition of continued enrollment with a licensed or certified child care provider. In the case of a school child, the required immunizations are for the following diseases: chicken pox, diphtheria, hepatitis B, measles (rubeola), meningococcal disease, mumps, pertussis, poliomyelitis, rubella, and tetanus.<sup>10</sup> A child enrolled in child care must be immunized against those same diseases, but also must be vaccinated against haemophilus influenzae B, hepatitis A, influenza, pneumococcal disease, and rotavirus.<sup>11</sup>

Under existing law, a child is excused from the required immunizations on the following grounds: (1) that the school child acquired natural immunity (chicken pox, measles, and mumps only), (2) that the vaccination is medically contraindicated, (3) in the case of a child enrolled in child care, that the vaccination is not appropriate for the child's age, or (4) that the child's parent declines the child's immunization for reasons of conscience, including religious convictions.<sup>12</sup>

## **Parental notice of requirements and exemptions**

Existing statutory law does not address parental notice of vaccination requirements and exemptions, and the bill does not specifically require a school, preschool program, or child care provider to notify parents or guardians of the requirements. However, in the case of a school, program, or provider that provides parents or guardians notice, in any writing or communication, of immunizations required for admittance or enrollment, the bill requires the school, program, or provider to also notify parents or guardians about the law's exemptions in the same manner as its notice of compulsory immunizations.<sup>13</sup> It further specifies that "any writing or communication" includes social media, electronic mail, newsletter, flyer, or video. The exemption notice must include both the law's text and statutory citation.

Similarly, if the school, program, or provider maintains a website that is available to parents and guardians and that addresses immunization requirements, the bill requires the website to clearly display a statement indicating that a child seeking admittance to or enrolled with the school, program, or provider is not required to be immunized if any of the exemptions

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<sup>8</sup> R.C. 5104.01(YY) and 5104.31(A)(1).

<sup>9</sup> R.C. 5104.01(BB), 5104.12, and 5104.31(A)(2).

<sup>10</sup> R.C. 3313.671(A)(1).

<sup>11</sup> R.C. 5104.014(B).

<sup>12</sup> R.C. 3313.671(B) and 5104.014(C) and (D).

<sup>13</sup> R.C. 3301.16, 3301.532(B), 3313.671(F)(1), and 5104.014(F).

apply.<sup>14</sup> The statement must describe each exemption and include both the law's text and its statutory citation.

## **Note on school exemptions**

When notifying a school child's parent or guardian about immunization exemptions in any writing or communication or on the school's website, the bill requires that the notice address only those exemptions related to medical contraindications or reasons of conscience, including religious convictions. The school's notice is not required to describe the exemptions available for natural immunity to chicken pox, measles, or mumps.<sup>15</sup>

## **Claiming exemptions**

The bill prohibits a school – when a parent or guardian declines their child's immunization for reasons of conscience – from requiring the parent or guardian to provide any other information beyond the parent's or guardian's written statement. It further prohibits the school from requiring an official exemption form when a conscience exemption is claimed.<sup>16</sup> Existing law requires a written statement from the school child's parent or guardian to claim an exemption for reasons of conscience and a written certification from the school child's physician to claim an exemption for medical contraindications. It does not specify how to claim an exemption for natural immunity.<sup>17</sup>

With respect to a child receiving care from a licensed child care center or family child care home or certified in-home aide, when any vaccination exemption is claimed, the bill prohibits the child care provider from requiring the child's caretaker parent to provide any other information beyond the child's medical statement, which must be submitted under current law.<sup>18</sup> The child's medical statement, required not later than 30 days after enrolling with or beginning to receive care from the provider, must include (1) a component where a parent or guardian may decline immunizations and (2) information about whether the child is subject to any of the available exemptions.<sup>19</sup>

In the case of a preschool program, the bill requires the program to honor exemptions for medical contraindications, medical inappropriateness for a child's age, and reasons of conscience, including religious convictions.<sup>20</sup> Neither statutory law nor the bill addresses how those exemptions are claimed.

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<sup>14</sup> R.C. 3301.16, 3301.532(C), 3313.671(F)(2), and 5104.014(G).

<sup>15</sup> R.C. 3313.671(F)(1) and (2).

<sup>16</sup> R.C. 3313.671(B)(4).

<sup>17</sup> R.C. 3313.671(B).

<sup>18</sup> R.C. 5104.014(E).

<sup>19</sup> R.C. 5104.014(D).

<sup>20</sup> R.C. 3301.532(A).

## Denying admission during an epidemic – schools

The bill repeals the law authorizing a school to deny admission – ***during a chicken pox epidemic*** – to a pupil ***exempt from*** the statutory requirement to be immunized against the disease.<sup>21</sup> Under that law, the school’s authority is triggered when the Department of Health (ODH) Director notifies the school’s principal or chief administrative officer of a chicken pox epidemic. It also requires the denial of admission to cease on notice from the ODH Director that the epidemic no longer exists.

In its place, the bill authorizes a school to deny admission to a pupil ***who has contracted chicken pox, measles, mumps, or rubella***. The denial must cease when the pupil is no longer contagious. It appears that the school’s authority is not triggered by any notice of an epidemic involving those four diseases. The bill also prohibits the school from denying admission to an ***uninfected*** pupil, including one exempt from statutory immunization requirements for reasons of conscience or medical contraindications.

The bill authorizes a school, if it receives notice from the ODH Director of an epidemic of chicken pox, measles, mumps, or rubella, to notify each pupil’s parent or guardian. And when notifying parents or guardians that such an epidemic exists in the school’s population, the school must include the law’s statutory citation and its policy for preserving a pupil’s academic standing when a student is denied admission.

## Hepatitis B – child care providers

The bill eliminates the requirement that a child who is either of the following be immunized against hepatitis B: (1) enrolled in a child care center, type A family child care home, or licensed type B child care home or (2) receiving care from a certified in-home aide.

## Complaints

The bill authorizes an individual who believes that a school, program, or provider is not complying with the bill’s provisions to file a complaint with DEW (schools), the DCY Director (preschool programs, child care centers, or family child care homes), or a county department of job and family services (certified in-home aides).<sup>22</sup> The bill also establishes a 14-day timeline by which DEW, the DCY Director, or a county department must review and investigate the complaint, determine whether a failure to comply occurred, and notify the school, program, or provider of its determination.<sup>23</sup>

If DEW, the DCY Director, or a county department determines that a failure to comply occurred, it must order the school, program, or provider to become compliant within 30 days. If the school, program, or provider fails to become compliant within that 30-day period, DEW or the DCY Director or county department must revoke the school’s charter (if it holds one) or

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<sup>21</sup> R.C. 3313.671(C).

<sup>22</sup> R.C. 3301.532(D)(1), 3313.671(G), and 5104.014(H)(1).

<sup>23</sup> R.C. 3301.532(D)(2), 3313.671(H)(1), and 5104.014(H)(2).

suspend the program's or provider's license or certificate until the school, program, or provider becomes compliant.<sup>24</sup>

## Corresponding changes

As a result of the bill establishing duties on child care centers, family child care homes, and certified in-home aide relating to parental notice of immunization requirements and exemptions, it makes corresponding changes in the law governing the regulation of child care.<sup>25</sup>

## HISTORY

Action	Date
Introduced	10-29-25

ANHB0561IN-136/ts

<sup>24</sup> R.C. 3301.532(D)(3), 3313.671(H)(2), and 5104.014(H)(3).

<sup>25</sup> R.C. 5104.015, 5104.017, 5104.018, and 5104.019.