

As Introduced

**125th General Assembly
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H. B. No. 463

**Representatives Combs, Clancy, Young, Hollister, Collier, Flowers,
Schneider, Schaffer, Wolpert, Hagan, Hughes, McGregor, Gibbs, Daniels,
Walcher, Schmidt, Wilson, Jerse, Carano, Seaver**

A B I L L

To amend sections 3313.671 and 3701.13 of the Revised Code to require students to be immunized against chicken pox subject to certain exceptions.

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

Section 1. That sections 3313.671 and 3701.13 of the Revised Code be amended to read as follows:

Sec. 3313.671. (A)(1) Except as otherwise provided in ~~this~~ division (B) of this section, no pupil, at the time of initial entry or at the beginning of each school year, to an elementary or high school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission, that the pupil has been immunized by a method of immunization approved by the department of health pursuant to section 3701.13 of the Revised Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella or is in the process of being ~~so~~ immunized.
~~Also, except~~

(2) Except as provided in ~~this~~ division (B) of this section, 19
no pupil who begins kindergarten at an elementary school subject 20
to the state board of education's minimum standards ~~during or~~ 21
~~after the school year beginning in 1999~~ shall be permitted to 22
remain in school for more than fourteen days unless the pupil 23
presents written evidence satisfactory to the person in charge of 24
admission that the pupil has been immunized by a department of 25
health-approved method of immunization ~~against hepatitis B~~ or is 26
in the process of being ~~se~~ immunized against both of the 27
following: 28

(a) During or after the school year beginning in 1999, 29
hepatitis B; 30

(b) During or after the school year beginning in 2005, 31
chicken pox. ~~In~~ 32

(3) As used in divisions (A)(1) and (2) of this section, "in 33
the process of being ~~se~~ immunized" means the pupil has been 34
immunized against mumps, rubeola ~~and~~, rubella, and chicken pox, 35
and if the pupil has not been immunized against poliomyelitis, 36
diphtheria, pertussis, tetanus, and hepatitis B, the pupil has 37
received at least the first dose of the immunization sequence, and 38
presents written evidence to the pupil's building principal or 39
chief administrative officer of each subsequent dose required to 40
obtain immunization at the intervals prescribed by the director of 41
health. Any student previously admitted under the "in process of 42
being ~~se~~ immunized" provision and who has not complied with the 43
immunization intervals prescribed by the director of health shall 44
be excluded from school on the fifteenth day of the following 45
school year. Any student so excluded shall be readmitted upon 46
showing evidence to the student's building principal or chief 47
administrative officer of progress on the director of health's 48
interval schedule. 49

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

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

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

(4) A pupil who presents a written statement of the pupil's parent or guardian in which the parent or guardian ~~objects~~ declines to the immunization for good cause have the pupil immunized for reasons of conscience, including religious convictions, is not required to be immunized.

~~(4)(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. ~~This section does not limit or impair the right of a board of education of a city, exempted village, or local school district to make and enforce rules to secure immunization against mumps, poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B of the pupils under its jurisdiction.~~

~~(B)(C)~~ Notwithstanding division (B) of this section, a school may deny admission to a pupil otherwise excepted from immunization requirements for a period of time specified by the director of health if the director notifies the school's principal or chief administrative officer that a risk to public health exists. The existence of a risk shall be based on the circumstances surrounding the risk and determined in the sole discretion of the director.

(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, and chicken pox to pupils who are not so provided by their parents or guardians.

Sec. 3701.13. The department of health shall have supervision of all matters relating to the preservation of the life and health of the people and have ultimate authority in matters of quarantine and isolation, which it may declare and enforce, when neither exists, and modify, relax, or abolish, when either has been established. ~~It~~ The department may approve ~~means~~ methods of immunization against ~~mumps, poliomyelitis, rubeola, diphtheria, rubella (German measles), pertussis, tetanus, and hepatitis B~~ the diseases specified in section 3313.671 of the Revised Code for the purpose of carrying out the provisions of ~~section 3313.671 of the Revised Code~~ that section and take such actions as are necessary to encourage vaccination against those diseases. ~~It~~

The department may make special or standing orders or rules for preventing the use of fluoroscopes for nonmedical purposes which emit doses of radiation likely to be harmful to any person, for preventing the spread of contagious or infectious diseases, for governing the receipt and conveyance of remains of deceased persons, and for such other sanitary matters as are best controlled by a general rule. Whenever possible, the department shall work in cooperation with the health commissioner of a general or city health district. It may make and enforce orders in local matters when an emergency exists, or when the board of

health of a general or city health district has neglected or 112
refused to act with sufficient promptness or efficiency, or when 113
such board has not been established as provided by sections 114
3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 115
of the Revised Code. In such cases the necessary expense incurred 116
shall be paid by the general health district or city for which the 117
services are rendered. 118

The department may make evaluative studies of the nutritional 119
status of Ohio residents, and of the food and nutrition-related 120
programs operating within the state. Every agency of the state, at 121
the request of the department, shall provide information and 122
otherwise assist in the execution of such studies. 123

Section 2. That existing sections 3313.671 and 3701.13 of the 124
Revised Code are hereby repealed. 125