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Sub. H. B. No. 463

Representatives Combs, Clancy, Hollister, Collier, Flowers, Schneider,
Wolpert, Hagan, Hughes, McGregor, Daniels, Walcher, Wilson, Jerse, Carano,
Seaver, Harwood, Martin, Beatty, DeBose, S. Smith, Barrett, Allen, C. Evans,
Key, Mason, Miller, Otterman, S. Patton, Sferra, D. Stewart, Strahorn, Sykes
Senators Armbruster, Harris, Spada, Robert Gardner

—

A BILL

To amend sections 3313.67, 3313.671, and 3701.13 and 1
to enact section 3701.134 of the Revised Code to 2
require students to be immunized against chicken 3
pox subject to certain exceptions. 4

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

Section 1. That sections 3313.67, 3313.671, and 3701.13 be 5
amended and section 3701.134 of the Revised Code be enacted to 6
read as follows: 7

Sec. 3313.67. (A) The (1) Except as provided in division 8
(A)(2) of this section, the board of education of each city, 9
exempted village, or local school district may make and enforce 10
such rules to secure the immunization of, and to prevent the 11
spread of communicable diseases among the pupils attending or 12
eligible to attend the schools of the district, as in its opinion 13
the safety and interest of the public require. ~~Boards~~ 14

(2) A board of education shall not adopt rules under division 15
(A)(1) of this section that are inconsistent with divisions (B) 16

and (C) of section 3313.671 of the Revised Code.

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(B) Boards of health, legislative authorities of municipal corporations, and boards of township trustees, on application of the board of education of the district, at the public expense, without delay, shall provide the means of immunization to pupils who are not so provided by their parents or guardians.

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

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

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

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

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~~(C)~~(D) Annually by the fifteenth day of October, the board shall report a summary, by school, of the immunization records of all initial entry pupils in the district to the director of health, on forms prescribed by the director.

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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,

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rubeola, and rubella or is in the process of being ~~se~~ immunized. 47

Also, ~~except~~ 48

(2) Except as provided in ~~this~~ division (B) of this section, 49
no pupil who begins kindergarten at an elementary school subject 50
to the state board of education's minimum standards ~~during or~~ 51
~~after the school year beginning in 1999~~ shall be permitted to 52
remain in school for more than fourteen days unless the pupil 53
presents written evidence satisfactory to the person in charge of 54
admission that the pupil has been immunized by a department of 55
health-approved method of immunization ~~against hepatitis B~~ or is 56
in the process of being ~~se~~ immunized against both of the 57
following: 58

(a) During or after the school year beginning in 1999, 59
hepatitis B; 60

(b) During or after the school year beginning in 2006, 61
chicken pox. "In 62

(3) As used in divisions (A)(1) and (2) of this section, "in 63
the process of being ~~se~~ immunized" means the pupil has been 64
immunized against mumps, rubeola ~~and,~~ rubella, and chicken pox, 65
and if the pupil has not been immunized against poliomyelitis, 66
diphtheria, pertussis, tetanus, and hepatitis B, the pupil has 67
received at least the first dose of the immunization sequence, and 68
presents written evidence to the pupil's building principal or 69
chief administrative officer of each subsequent dose required to 70
obtain immunization at the intervals prescribed by the director of 71
health. Any student previously admitted under the "in process of 72
being ~~se~~ immunized" provision and who has not complied with the 73
immunization intervals prescribed by the director of health shall 74
be excluded from school on the fifteenth day of the following 75
school year. Any student so excluded shall be readmitted upon 76
showing evidence to the student's building principal or chief 77
administrative officer of progress on the director of health's 78

interval schedule. 79

(B)(1) A pupil who has had natural rubeola, and presents a 80
signed statement from the pupil's parent, guardian, or physician 81
to that effect, is not required to be immunized against rubeola. 82

(2) A pupil who has had natural mumps, and presents a signed 83
statement from the pupil's parent, guardian, or physician to that 84
effect, is not required to be immunized against mumps. 85

(3) A pupil who has had natural chicken pox, and presents a 86
signed statement from the pupil's parent, guardian, or physician 87
to that effect, is not required to be immunized against chicken 88
pox. 89

(4) A pupil who presents a written statement of the pupil's 90
parent or guardian in which the parent or guardian ~~objects~~ 91
declines to the immunization for good cause have the pupil 92
immunized for reasons of conscience, including religious 93
convictions, is not required to be immunized. 94

~~(4)(5) A child whose physician certifies in writing that such 95
immunization against any disease is medically contraindicated is 96
not required to be immunized against that disease. This section 97
does not limit or impair the right of a board of education of a 98
city, exempted village, or local school district to make and 99
enforce rules to secure immunization against mumps, poliomyelitis, 100
rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B 101
of the pupils under its jurisdiction.~~ 102

~~(B)(C) As used in this division, "chicken pox epidemic" means 103
the occurrence of cases of chicken pox in numbers greater than 104
expected in the school's population or for a particular period of 105
time.~~ 106

Notwithstanding division (B) of this section, a school may 107
deny admission to a pupil otherwise exempted from the chicken pox 108
immunization requirement if the director of the state department 109

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. 110
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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. 115
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(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. 119
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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~~ 127
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The department may make special or standing orders or rules 139
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for preventing the use of fluoroscopes for nonmedical purposes 141
which emit doses of radiation likely to be harmful to any person, 142
for preventing the spread of contagious or infectious diseases, 143
for governing the receipt and conveyance of remains of deceased 144
persons, and for such other sanitary matters as are best 145
controlled by a general rule. Whenever possible, the department 146
shall work in cooperation with the health commissioner of a 147
general or city health district. It may make and enforce orders in 148
local matters when an emergency exists, or when the board of 149
health of a general or city health district has neglected or 150
refused to act with sufficient promptness or efficiency, or when 151
such board has not been established as provided by sections 152
3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 153
of the Revised Code. In such cases the necessary expense incurred 154
shall be paid by the general health district or city for which the 155
services are rendered. 156

The department may make evaluative studies of the nutritional 157
status of Ohio residents, and of the food and nutrition-related 158
programs operating within the state. Every agency of the state, at 159
the request of the department, shall provide information and 160
otherwise assist in the execution of such studies. 161

Sec. 3701.134. To the extent appropriations made by the 162
general assembly make this possible, the director of health shall 163
provide, for the purpose of section 3313.671 of the Revised Code, 164
the means of immunization against chicken pox to boards of health, 165
legislative authorities of municipal corporations, and boards of 166
township trustees. 167

Section 2. That existing sections 3313.67, 3313.671, and 168
3701.13 of the Revised Code are hereby repealed. 169