

As Reported by the House Health Committee

125th General Assembly

Regular Session

2003-2004

Sub. 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, Harwood, Martin, Beatty,
DeBose, S. Smith, Barrett

A B I L L

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

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

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

Sec. 3313.671. (A)(1) Except as otherwise provided in ~~this~~ 8
division (B) of this section, no pupil, at the time of initial 9
entry or at the beginning of each school year, to an elementary or 10
high school for which the state board of education prescribes 11
minimum standards pursuant to division (D) of section 3301.07 of 12
the Revised Code, shall be permitted to remain in school for more 13
than fourteen days unless the pupil presents written evidence 14
satisfactory to the person in charge of admission, that the pupil 15
has been immunized by a method of immunization approved by the 16
department of health pursuant to section 3701.13 of the Revised 17

Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, 18
rubeola, and rubella or is in the process of being ~~so~~ immunized. 19
~~Also, except~~ 20

(2) Except as provided in ~~this~~ division (B) of this section, 21
no pupil who begins kindergarten at an elementary school subject 22
to the state board of education's minimum standards ~~during or~~ 23
~~after the school year beginning in 1999~~ shall be permitted to 24
remain in school for more than fourteen days unless the pupil 25
presents written evidence satisfactory to the person in charge of 26
admission that the pupil has been immunized by a department of 27
health-approved method of immunization ~~against hepatitis B~~ or is 28
in the process of being ~~so~~ immunized against both of the 29
following: 30

(a) During or after the school year beginning in 1999, 31
hepatitis B; 32

(b) During or after the school year beginning in 2006, 33
chicken pox. "In 34

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

showing evidence to the student's building principal or chief 49
administrative officer of progress on the director of health's 50
interval schedule. 51

(B)(1) A pupil who has had natural rubeola, and presents a 52
signed statement from the pupil's parent, guardian, or physician 53
to that effect, is not required to be immunized against rubeola. 54

(2) A pupil who has had natural mumps, and presents a signed 55
statement from the pupil's parent, guardian, or physician to that 56
effect, is not required to be immunized against mumps. 57

(3) A pupil who has had natural chicken pox, and presents a 58
signed statement from the pupil's parent, guardian, or physician 59
to that effect, is not required to be immunized against chicken 60
pox. 61

(4) A pupil who presents a written statement of the pupil's 62
parent or guardian in which the parent or guardian ~~objects~~ 63
declines to the immunization for good cause have the pupil 64
immunized for reasons of conscience, including religious 65
convictions, is not required to be immunized. 66

~~(4)(5) A child whose physician certifies in writing that such~~ 67
~~immunization against any disease is medically contraindicated is~~ 68
~~not required to be immunized against that disease. This section~~ 69
~~does not limit or impair the right of a board of education of a~~ 70
~~city, exempted village, or local school district to make and~~ 71
~~enforce rules to secure immunization against mumps, poliomyelitis,~~ 72
~~rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B~~ 73
~~of the pupils under its jurisdiction.~~ 74

~~(B)~~(C) Boards of health, legislative authorities of municipal 75
corporations, and boards of township trustees on application of 76
the board of education of the district or proper authority of any 77
school affected by this section, shall provide at the public 78
expense, without delay, the means of immunization against mumps, 79

poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 80
and hepatitis B to pupils who are not so provided by their parents 81
or guardians. 82

Sec. 3701.13. The department of health shall have supervision 83
of all matters relating to the preservation of the life and health 84
of the people and have ultimate authority in matters of quarantine 85
and isolation, which it may declare and enforce, when neither 86
exists, and modify, relax, or abolish, when either has been 87
established. ~~It~~ The department may approve ~~means~~ methods of 88
immunization against ~~mumps, poliomyelitis, rubeola, diphtheria,~~ 89
~~rubella (German measles), pertussis, tetanus, and hepatitis B~~ the 90
diseases specified in section 3313.671 of the Revised Code for the 91
purpose of carrying out the provisions of ~~section 3313.671 of the~~ 92
~~Revised Code~~ that section and take such actions as are necessary 93
to encourage vaccination against those diseases. ~~It~~ 94

95
The department may make special or standing orders or rules 96
for preventing the use of fluoroscopes for nonmedical purposes 97
which emit doses of radiation likely to be harmful to any person, 98
for preventing the spread of contagious or infectious diseases, 99
for governing the receipt and conveyance of remains of deceased 100
persons, and for such other sanitary matters as are best 101
controlled by a general rule. Whenever possible, the department 102
shall work in cooperation with the health commissioner of a 103
general or city health district. It may make and enforce orders in 104
local matters when an emergency exists, or when the board of 105
health of a general or city health district has neglected or 106
refused to act with sufficient promptness or efficiency, or when 107
such board has not been established as provided by sections 108
3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 109
of the Revised Code. In such cases the necessary expense incurred 110
shall be paid by the general health district or city for which the 111

services are rendered. 112

The department may make evaluative studies of the nutritional 113
status of Ohio residents, and of the food and nutrition-related 114
programs operating within the state. Every agency of the state, at 115
the request of the department, shall provide information and 116
otherwise assist in the execution of such studies. 117

Sec. 3701.134. To the extent appropriations made by the 118
general assembly make this possible, the director of health shall 119
provide, for the purpose of section 3313.671 of the Revised Code, 120
the means of immunization against chicken pox to boards of health, 121
legislative authorities of municipal corporations, and boards of 122
township trustees. 123

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