

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 81

Representative Brown

**Cosponsors: Representatives Evans, Combs, Strahorn, Yuko, Otterman,
Redfern, Chandler, Fende, Williams, B., Ujvagi**

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A B I L L

To amend section 3313.671 and to enact sections 1
3701.36, 3701.361, and 3701.362 of the Revised 2
Code to require that girls entering the sixth 3
grade be vaccinated against the human 4
papillomavirus (HPV) and to create the HPV 5
Immunization Advisory Committee. 6

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

Section 1. That section 3313.671 be amended and sections 7
3701.36, 3701.361, and 3701.362 of the Revised Code be enacted to 8
read as follows: 9

Sec. 3313.671. (A)(1) Except as otherwise provided in 10
division (B) of this section, no pupil, at the time of initial 11
entry or at the beginning of each school year, to an elementary or 12
high school for which the state board of education prescribes 13
minimum standards pursuant to division (D) of section 3301.07 of 14
the Revised Code, shall be permitted to remain in school for more 15
than fourteen days unless the pupil presents written evidence 16
satisfactory to the person in charge of admission, that the pupil 17
has been immunized by a method of immunization approved by the 18

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 immunized.

(2) Except as provided in division (B) of this section, no pupil who begins kindergarten at an elementary school subject to the state board of education's minimum standards 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 department of health-approved method of immunization or is in the process of being immunized against both of the following:

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

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

(3) Beginning in the 2008-2009 school year, except as provided in division (B) of this section, no female pupil who begins sixth grade at a school subject to the state board of education's minimum standards 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 department of health-approved method of immunization or is in the process of being immunized against the human papillomavirus.

(4) As used in divisions (A)(1) and (2) to (3) of this section, "in the process of being immunized" means the pupil has been immunized against mumps, rubeola, rubella, and chicken pox, and if the pupil has not been immunized against poliomyelitis, diphtheria, pertussis, tetanus, and hepatitis B, and the human papillomavirus, the pupil has received at least the first dose of the immunization sequence, and presents written evidence to the

pupil's building principal or chief administrative officer of each 50
subsequent dose required to obtain immunization at the intervals 51
prescribed by the director of health. Any student previously 52
admitted under the "in process of being immunized" provision and 53
who has not complied with the immunization intervals prescribed by 54
the director of health shall be excluded from school on the 55
fifteenth day of the following school year. Any student so 56
excluded shall be readmitted upon showing evidence to the 57
student's building principal or chief administrative officer of 58
progress on the director of health's interval schedule. 59

(B)(1) A pupil who has had natural rubeola, and presents a 60
signed statement from the pupil's parent, guardian, or physician 61
to that effect, is not required to be immunized against rubeola. 62

(2) A pupil who has had natural mumps, and presents a signed 63
statement from the pupil's parent, guardian, or physician to that 64
effect, is not required to be immunized against mumps. 65

(3) A pupil who has had natural chicken pox, and presents a 66
signed statement from the pupil's parent, guardian, or physician 67
to that effect, is not required to be immunized against chicken 68
pox. 69

(4) A pupil who presents a written statement of the pupil's 70
parent or guardian in which the parent or guardian declines to 71
have the pupil immunized for reasons of conscience, including 72
religious convictions, is not required to be immunized. 73

(5) A child whose physician certifies in writing that such 74
immunization against any disease is medically contraindicated is 75
not required to be immunized against that disease. 76

(6) A female pupil who presents a written, signed statement 77
of the pupil's parent or guardian in which the parent or guardian 78
attests to having received the information on the connection 79
between the human papillomavirus and cervical cancer disseminated 80

under section 3701.362 of the Revised Code and in which the parent 81
or guardian declines to have the pupil immunized is not required 82
to be immunized against the human papillomavirus. 83

(C) As used in this division, "chicken pox epidemic" means 84
the occurrence of cases of chicken pox in numbers greater than 85
expected in the school's population or for a particular period of 86
time. 87

Notwithstanding division (B) of this section, a school may 88
deny admission to a pupil otherwise exempted from the chicken pox 89
immunization requirement if the director of the state department 90
of health notifies the school's principal or chief administrative 91
officer that a chicken pox epidemic exists in the school's 92
population. The denial of admission shall cease when the director 93
notifies the principal or officer that the epidemic no longer 94
exists. 95

The board of education or governing body of each school 96
subject to this section shall adopt a policy that prescribes 97
methods whereby the academic standing of a pupil who is denied 98
admission during a chicken pox epidemic may be preserved. 99

(D) Boards of health, legislative authorities of municipal 100
corporations, and boards of township trustees on application of 101
the board of education of the district or proper authority of any 102
school affected by this section, shall provide at the public 103
expense, without delay, the means of immunization against mumps, 104
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 105
~~and~~ hepatitis B, and the human papillomavirus to pupils who are 106
not so provided by their parents or guardians. Immunizations 107
against the human papillomavirus shall be administered only to 108
girls under this division. 109

Sec. 3701.36. (A) The HPV immunization advisory committee is 110
hereby created within the department of health. The committee 111

<u>shall consist of the following members:</u>	112
<u>(1) Two individuals appointed by the president of the senate;</u>	113
<u>(2) Two individuals appointed by the speaker of the house of representatives;</u>	114 115
<u>(3) Three individuals appointed by the governor.</u>	116
<u>Members of the committee shall serve at the pleasure of the appointing authority. Vacancies shall be filled in the manner provided for original appointments. Members shall serve without compensation.</u>	117 118 119 120
<u>(B) The committee shall meet as it determines necessary to carry out its duties prescribed under this section. The committee shall:</u>	121 122 123
<u>(1) Assist the department in identifying materials that contain information regarding the risks associated with the human papillomavirus and cervical cancer and the availability, effectiveness, and potential risks of the human papillomavirus vaccine;</u>	124 125 126 127 128
<u>(2) Approve or disapprove materials identified by the department under division (B)(1) of this section;</u>	129 130
<u>(3) Advise in the marketing and dissemination of the approved materials under section 3701.362 of the Revised Code.</u>	131 132
<u>(C) Once the committee approves materials under division (B) of this section, the department shall deliver a copy of the approved materials to the Columbus offices of the chairpersons of the standing committees of the house of representatives and the senate that consider issues pertaining to public health.</u>	133 134 135 136 137
<u>Sec. 3701.361. After the department of health delivers a copy of informational materials under section 3701.36 of the Revised Code, each committee chairperson to whom the materials were</u>	138 139 140

delivered shall convene at least one hearing of the standing 141
committee to consider the materials and recommendations to the 142
general assembly. 143

Both houses of the general assembly shall approve or 144
disapprove the materials by passing a concurrent resolution not 145
later than forty-five days after the first day that both houses of 146
the general assembly convene for a voting session following the 147
delivery of materials to the committee chairpersons. If the 148
materials are delivered to the chairpersons on different days, the 149
forty-five days shall commence on the first day that both houses 150
convene for a voting session following the later delivery. If the 151
materials are delivered to either chairperson less than forty-five 152
days before the general assembly adjourns sine die, the forty-five 153
days shall commence on the first day the next general assembly is 154
in session. 155

If the general assembly passes a concurrent resolution 156
disapproving the proposed materials, the concurrent resolution 157
shall state specific objections to those materials. The HPV 158
immunization advisory committee shall revise the proposed 159
materials based on the general assembly's objections, and the 160
department shall resubmit them for the general assembly's approval 161
in accordance with division (C) of section 3701.36 of the Revised 162
Code. 163

If the general assembly passes a concurrent resolution 164
approving the proposed materials, the department shall disseminate 165
those materials pursuant to section 3701.632 of the Revised Code. 166

If the general assembly does not pass a concurrent resolution 167
with respect to the proposed materials within the forty-five-day 168
period, those materials shall be deemed approved, and the 169
department shall disseminate those materials pursuant to section 170
3701.362 of the Revised Code. 171

Sec. 3701.362. Once the informational materials have been 172
approved by the general assembly in accordance with section 173
3701.361 of the Revised Code, the department shall notify each 174
school in the state that includes fifth or sixth grade of the 175
availability of the materials, direct the annual dissemination of 176
the approved materials to all female students in the fifth grade 177
in the state, and post the materials on its web site. 178

Section 2. That existing section 3313.671 of the Revised Code 179
is hereby repealed. 180