



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 536

130th General Assembly  
(As Introduced)

**Reps.** Smith and Antonio, Letson, Pillich, Stebelton, Fedor, Brown

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## BILL SUMMARY

- Requires that a child be immunized against certain diseases in accordance with the immunization schedule recommended by the U.S. Centers for Disease Control and Prevention and its Advisory Committee on Immunization Practices as a condition of enrollment in a licensed child care facility.
- Provides for exceptions to mandatory immunization if the immunization is medically contraindicated or the child's parent or guardian objects for reasons of conscience, including religious convictions.

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## CONTENT AND OPERATION

### Licensed child care facilities and immunizations

#### Immunizations required as a condition of enrollment

The bill requires that a child be immunized in accordance with the immunization schedule adopted by the Director of the Ohio Department of Job and Family Services (ODJFS) as a condition of enrollment in a licensed child care facility (see "**Immunization schedule**" below). These facilities include child day-care centers, type A family day-care homes, and licensed type B family day-care homes.<sup>1</sup> Current law requires only that ODJFS adopt rules regarding procedures for screening children; it does not expressly require immunizations. Similarly, while ODJFS rules require that a licensed child care facility have a completed medical statement on file that includes a record of

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<sup>1</sup> R.C. 5104.014(B).

immunizations and statement of any immunization exemptions, the rules do not expressly mandate immunizations.<sup>2</sup>

### **Exceptions to mandatory immunization**

Under the bill, a child enrolled in a licensed child care facility is not required to be immunized against a disease specified in the adopted schedule if either of the following applies:

(1) The child's physician certifies in writing that the immunization is medically contraindicated for the child;

(2) The child's parent or guardian certifies in writing that the parent or guardian declines to have the child immunized for reasons of conscience, including religious convictions. The bill does not define "reasons of conscience."<sup>3</sup>

### **Immunization schedule**

The bill requires the ODJFS Director to adopt an immunization schedule for persons aged 18 years and under. The adopted schedule must be the same as that recommended by the Advisory Committee on Immunization Practices (ACIP) of the U.S. Centers for Disease Control and Prevention (CDC).<sup>4</sup> The bill authorizes the ODJFS Director to periodically revise the schedule to reflect revisions made by ACIP.<sup>5</sup>

### **CDC schedule of immunizations**

The following table lists the immunizations included in the most recent CDC schedule for children birth to 18 years. The table also lists the immunizations required for school-age children under current Ohio law; the CDC schedule includes several immunizations not required for school-age children.<sup>6</sup>

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<sup>2</sup> Ohio Administrative Code (O.A.C.) 5101: 2-12-37, 5101:2-13-37, and 5101:2-14-15.

<sup>3</sup> R.C. 5104.014(C).

<sup>4</sup> See U.S. Centers for Disease Control and Prevention, Immunization Schedules, Birth-18 Years & "Catch-up" Immunization Schedules (last visited May 23, 2014), available at <<http://www.cdc.gov/vaccines/schedules/hcp/child-adolescent.html>>.

<sup>5</sup> R.C. 5104.014(A).

<sup>6</sup> R.C. 3313.671, not in the bill.



<b>Immunization</b>	<b>CDC schedule recommended immunizations</b>	<b>School-age children required immunizations</b>
Hepatitis B (HepB)	✓	✓
Diphtheria	✓	✓
Tetanus	✓	✓
Pertussis	✓	✓
Polio	✓	✓
Mumps	✓	✓
Measles (Rubeola)	✓	✓
Rubella	✓	✓
Varicella (Chicken pox)	✓	✓
Rotavirus	✓	
Influenza	✓	
Pneumococcal conjugate	✓	
Pneumococcal polysaccharide	✓	
Haemophilus influenza type B (Hib)	✓	
Hepatitis A	✓	
Human papillomavirus (HPV)	✓	
Meningococcal	✓	

### **ODJFS rulemaking**

Current law requires the ODJFS Director to adopt rules governing the operation of licensed child care facilities, including procedures for screening children that may include any necessary examinations and immunizations. Under the bill, these screening procedures must include immunizations in accordance with the CDC schedule.<sup>7</sup>

### **Child care facilities background**

Ohio law provides for the licensure and regulation of child care facilities, including day-care centers that accommodate larger numbers of children and smaller,

<sup>7</sup> R.C. 5104.015(J), 5104.017(J), and 5104.018(J).



home-based settings.<sup>8</sup> The distinctions among the types of facilities are described in the table below.

<b>Child Care Providers</b>		
<b>Type</b>	<b>Description/Number of children served</b>	<b>Regulatory system</b>
<b>Child day-care center</b>	Any place in which child care is provided as follows: --For 13 or more children at one time; or --For 7-12 children at one time if the place is not the permanent residence of the licensee or administrator (which is, instead, a type A home).	A child day-care center must be licensed by the Department, regardless of whether it provides publicly funded child care.
<b>Family day-care home</b>	<b>Type A home</b> – a permanent residence of an administrator in which child care is provided as follows: --For 7-12 children at one time; or --For 4-12 children at one time if 4 or more are under age 2.  <b>Type B home</b> – a permanent residence of the provider in which child care is provided as follows: --For 1-6 children at one time; and --No more than 3 children at one time under age 2.	A type A home must be licensed by the Department, regardless of whether it provides publicly funded child care.  To be eligible to provide publicly funded child care, a type B home must be licensed by the Department.

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## HISTORY

ACTION	DATE
Introduced	05-13-14

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<sup>8</sup> R.C. 5104.01(K), 5104.01(TT), and 5104.01(UU).

