

## **IC 21-40-5**

### **Chapter 5. Immunization Requirements at State Educational Institutions**

#### **IC 21-40-5-1**

##### **Development of form**

Sec. 1. The department shall develop a form that can be used by state educational institutions to meet the requirements of this chapter concerning the use of a certificate of immunity.

*As added by P.L.2-2007, SEC.281.*

#### **IC 21-40-5-2**

##### **Necessary student documentation**

Sec. 2. (a) Except as provided in section 7 of this chapter, a state educational institution may not permit a student to matriculate in a residential campus of a state educational institution unless the student provides the documentation required by section 3 of this chapter for the following diseases:

- (1) Diphtheria.
- (2) Tetanus.
- (3) Measles.
- (4) Mumps.
- (5) Rubella.

(b) A state educational institution shall notify a student before the student's matriculation of the following requirements:

- (1) That the student must be immunized and that the immunization is required for matriculation at the state educational institution unless the student provides the documentation required by section 3 of this chapter.
- (2) That the:
  - (A) student; or
  - (B) student's parent or guardian;must comply with section 5 of this chapter.

*As added by P.L.2-2007, SEC.281.*

#### **IC 21-40-5-3**

##### **Form of documentation; effect of noncompliance**

Sec. 3. (a) Before matriculating in a residential campus of a state educational institution, a student shall provide the state educational institution with one (1) of the following documents:

- (1) A certificate of immunity.
- (2) Documentation of exemption as described in sections 4 and 6 of this chapter.

(b) Before matriculating in a residential campus of a state educational institution, a student who is not a citizen or resident of the United States shall provide the state educational institution with:

- (1) medical documentation that the student has been tested for tuberculosis in the United States;

- (2) the date on which the tuberculosis test was taken; and
- (3) the results of the tuberculosis test.

(c) If a student fails to comply with subsection (a) or (b) by the beginning of the student's second academic term, the state educational institution shall prohibit the student from matriculating in the residential campus of the state educational institution until the requirements are met.

*As added by P.L.2-2007, SEC.281.*

#### **IC 21-40-5-4**

##### **Exemption from immunization**

Sec. 4. An exemption relieving a student from the requirements of section 3 of this chapter may be accepted by the state educational institution as part of the documentation of exemption for the following reasons:

- (1) If a health care provider makes a written statement indicating the nature and probable duration of a medical condition or circumstances that contraindicate an immunization, identifying the specific vaccine that could be detrimental to the student's health.
- (2) If pregnancy or suspected pregnancy is certified in a written statement from a health care provider.
- (3) If a health care provider provides written documentation that the student is in the course of completing an approved schedule of all necessary doses of the vaccines required for the diseases listed in section 2 of this chapter.

If the student's medical condition or circumstances subsequently permit immunization, the exemptions granted by this section terminate and the student shall obtain the immunizations from which the student has been exempted.

*As added by P.L.2-2007, SEC.281.*

#### **IC 21-40-5-5**

##### **Providing information on the risks of meningococcal disease**

Sec. 5. (a) A state educational institution in which an individual intends to enroll shall provide detailed information on the risks associated with meningococcal disease and the availability and effectiveness of vaccination to:

- (1) the individual, if the individual is at least eighteen (18) years of age; or
- (2) the individual's parent or guardian, if the individual is less than eighteen (18) years of age.

(b) A state educational institution described in subsection (a) must receive a certificate of immunity:

- (1) that is signed by:
  - (A) the individual, if the individual is at least eighteen (18) years of age; or
  - (B) the individual's parent or guardian, if the individual is less than eighteen (18) years of age; and

(2) that states that the information provided under subsection (a) has been reviewed by:

(A) the individual, if the individual is at least eighteen (18) years of age; or

(B) the individual's parent or guardian, if the individual is less than eighteen (18) years of age.

*As added by P.L.2-2007, SEC.281.*

#### **IC 21-40-5-6**

##### **Religious objections**

Sec. 6. (a) Except as otherwise provided, a student may not be required to undergo testing, examination, immunization, or treatment required under this chapter when the student objects on religious grounds.

(b) A religious objection does not exempt a student from testing, examination, immunization, or treatment required under this chapter unless the request for an exemption is:

(1) made in writing;

(2) signed by the student; and

(3) delivered to the individual who might order a test, an examination, an immunization, or a treatment absent the religious objection.

*As added by P.L.2-2007, SEC.281.*

#### **IC 21-40-5-7**

##### **Time for student compliance with documentation; noncompliance**

Sec. 7. (a) Upon the commencement of a student's first academic term at a state educational institution and not later than the commencement of the student's second academic term, the state educational institution shall require the student to comply with the requirements of section 3 of this chapter. If the student fails to comply with the requirements of section 3 of this chapter by the commencement of the student's first academic term, the state educational institution shall do the following:

(1) Notify the student of the requirement that the student must be immunized and that the immunizations may be administered by a health care provider.

(2) Notify the student that the immunization is required for the student's continued:

(A) enrollment in;

(B) attendance at; or

(C) residence on;

the campus of the state educational institution unless the student provides the documentation required by section 3 of this chapter.

(b) If a student fails to comply with section 3 of this chapter by the beginning of the student's second academic term, the postsecondary institution shall prohibit the student from matriculating in the postsecondary institution's residential campus until the requirements

are met.

*As added by P.L.2-2007, SEC.281.*

#### **IC 21-40-5-8**

##### **State educational institution nonenforcement; action by department**

Sec. 8. The department may commence an action against a state educational institution under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an order of compliance for failure to enforce this chapter.

*As added by P.L.2-2007, SEC.281.*

#### **IC 21-40-5-9**

##### **State educational institution records of student immunization status**

Sec. 9. (a) The designated record keeping office shall maintain records obtained under section 7 of this chapter containing the required elements of the immunization status of an enrolled student. The information required on the certificate of immunity and the documentation of exemption, whichever applies, constitutes the required elements of an enrolled student's immunization status. The information on the certificate of immunity and the documentation of exemption, whichever applies:

(1) is sufficient for accurate compliance with section 11 of this chapter; and

(2) must be accepted by each state educational institution for purposes of this chapter.

(b) The department and the local health department shall, for good cause shown that there exists a substantial threat to the:

(1) health and safety of a student; or

(2) community of an educational institution;

be able to validate immunization reports by onsite reviews or examinations of nonidentifying immunization record data. This section does not independently authorize the department, a local department of health, or an agent of the state or local department of health to have access to identifying medical or academic record data of individual students attending nonaccredited private postsecondary educational institutions.

(c) The records referred to in subsection (a) are sufficient to enable the state educational institution to generate a listing of the students who have filed documentation of exemption forms. The state educational institution shall develop sufficient plans for excluding these students from the state educational institution for the protection of these students if an outbreak of a vaccine preventable disease listed in section 2 of this chapter occurs at or near the campus of the state educational institution.

*As added by P.L.2-2007, SEC.281.*

#### **IC 21-40-5-10**

##### **Transfer of student to other state educational institution; record**

**copies for transferee institute**

Sec. 10. A state educational institution may furnish, not later than twenty (20) days after a student transfer, a copy of a student's immunization record to the state educational institution to which the student transfers and enrolls. The state educational institution to which the student transfers and enrolls may request a copy of the student's immunization record from any state educational institution that the student attended.

*As added by P.L.2-2007, SEC.281.*

**IC 21-40-5-11****Annual summary reports**

Sec. 11. A state educational institution shall submit a summary report to the department and the local health department having jurisdiction by March 15 of each year. The annual summary report:

- (1) must be signed by an official of the designated record keeping office certifying that the information included in the summary report is accurate; and
- (2) must include the following:
  - (A) A statement of the number of students with certificates of immunity, categorized by disease.
  - (B) A statement of the number of students with appropriate documentation of exemption, categorized by disease.

*As added by P.L.2-2007, SEC.281.*

**IC 21-40-5-12****Private institutions; voluntary compliance with chapter**

Sec. 12. This chapter does not prohibit a postsecondary educational institution that:

- (1) provides education, degrees, or certificates above the high school level; and
  - (2) is not a state educational institution;
- from voluntarily complying with this chapter.

*As added by P.L.2-2007, SEC.281.*

**IC 21-40-5-13****Rules; communicable diseases list**

Sec. 13. The department shall adopt rules under IC 4-22-2 necessary to implement this chapter. However, the department may not adopt rules to expand or modify the list of communicable diseases in section 2 of this chapter.

*As added by P.L.2-2007, SEC.281.*