

SENATE BILL No. 195

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-18-2-19.5; IC 20-30-5-18; IC 20-34-4.

Synopsis: Student immunization. Adds a definition of "state immunization registry". Repeals a provision that requires the chief administrative officer of a school to provide students and parents with information concerning meningococcal disease. Removes a provision that school immunization records must be kept uniformly throughout Indiana. Requires the state department of health to publish a two year calendar of immunization requirements and recommendations. Removes a requirement that a school must provide a female student with information concerning the link between cervical cancer and the human papillomavirus (HPV) infection. Provides that the parent of any student who has not received the required immunizations shall present the student to a health care provider whose scope of practice includes the administration of the immunization to receive the required immunity. (Current law requires the student to be presented to a physician.) Provides that the health care provider who administers the required vaccines to a student shall enter each immunization administered to the student into the state immunization registry. Provides that each school shall require the parent of a student who has enrolled in the school to furnish proof of the student's immunization status either as a written document from the authorized source or documentation provided from the state immunization registry. Eliminates a requirement for schools to submit to the state department of health a report pertaining to certain student immunizations. Requires the state department of health to obtain reports regarding the immunization status of students at the state level and on an aggregate basis by accessing the state immunization registry. Removes a
(Continued next page)

Effective: July 1, 2014.

Kruse

January 9, 2014, read first time and referred to Committee on Health and Provider Services.



Digest Continued

provision that allows the state department of health to commence an action against a school for failing to enforce certain immunization compliance requirements. Makes technical corrections.



Introduced

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 195

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-18-2-19.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 19.5. "State immunization
4 registry" refers to the immunization data registry maintained by
5 the state department of health under IC 16-38-5.**
6 SECTION 2. IC 20-30-5-18 IS REPEALED [EFFECTIVE JULY 1,
7 2014]. **Sec. 18. (a) The chief administrative officer of each:**
8 (1) public school (including a charter school as defined in
9 IC ~~20-24-1-4~~); and
10 (2) nonpublic school;
11 shall ensure that information concerning meningococcal disease and its
12 vaccines is provided to students and parents or guardians of students
13 at the beginning of each school year.
14 (b) The information provided under subsection (a) must include



1 information concerning the:

- 2 (1) causes;
 3 (2) symptoms; and
 4 (3) spread;

5 of meningococcal disease and the places where parents and guardians
 6 of students may obtain additional information and vaccinations for their
 7 children:

8 (e) The chief administrative officers and the department shall, in
 9 consultation with the state department of health or any other
 10 appropriate entity; develop materials to be made available to schools
 11 to assist schools in providing the information described in this section:

12 (d) The department shall enforce this section:

13 SECTION 3. IC 20-34-4-1, AS AMENDED BY P.L.2-2007,
 14 SECTION 231, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each school shall keep an
 16 immunization record of the school's students. ~~The records must be kept~~
 17 ~~uniformly throughout Indiana according to procedures prescribed by~~
 18 ~~the state department of health.~~

19 (b) Whenever a student transfers to another school, the school from
 20 which the student is transferring may furnish, not later than twenty (20)
 21 days after the transfer, a copy of the student's immunization record to
 22 the school to which the student is transferring.

23 (c) Whenever a student enrolls in a state educational institution, the
 24 school from which the student graduated may furnish a copy of the
 25 student's immunization record to the state educational institution. If the
 26 student is enrolled in a state educational institution while still attending
 27 a secondary level school, the secondary level school that the student is
 28 attending may furnish a copy of the student's immunization record to
 29 the state educational institution.

30 SECTION 4. IC 20-34-4-2, AS AMENDED BY P.L.161-2009,
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 2. (a) Every child residing in Indiana shall be
 33 immunized against:

- 34 (1) diphtheria;
 35 (2) pertussis (whooping cough);
 36 (3) tetanus;
 37 (4) measles;
 38 (5) rubella;
 39 (6) poliomyelitis; and
 40 (7) mumps.

41 (b) Every child residing in Indiana who enters kindergarten or grade
 42 1 shall be immunized against hepatitis B and chicken pox.



1 (c) The state department of health shall adopt rules under IC 4-22-2
2 to require school age children to receive additional immunizations
3 against the following:

- 4 (1) Meningitis.
5 (2) Varicella.
6 (3) Pertussis (whooping cough).

7 The additional immunizations required under the rules shall include an
8 immunization booster if considered appropriate by the state
9 department.

10 (d) The state department of health may expand or otherwise modify
11 the list of communicable diseases that require documentation of
12 immunity as medical information becomes available that would warrant
13 the expansion or modification in the interest of public health.

14 **(e) The state department of health shall publish, by November**
15 **30 of each year, a two (2) year calendar of immunization**
16 **requirements and recommendations. The calendar must include**
17 **the immunization requirements for the next school year and the**
18 **recommendations for the school year following the next school**
19 **year. Except in extreme situations or an outbreak emergency,**
20 **changes to the immunization requirements may not occur unless**
21 **the immunization recommendation has been published for at least**
22 **twenty (20) months.**

23 ~~(e)~~ **(f)** The state department of health shall adopt rules under
24 IC 4-22-2 specifying the:

- 25 (1) required immunizations;
26 (2) child's age for administering each vaccine;
27 (3) adequately immunizing doses; and
28 (4) method of documentation of proof of immunity.

29 SECTION 5. IC 20-34-4-3, AS AMENDED BY P.L.80-2007,
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2014]: Sec. 3. ~~(a)~~ Each school shall notify each parent of a
32 student who enrolls in the school of the requirement that the student
33 must be immunized and that the immunization is required for the
34 student's continued enrollment, attendance, or residence at the school
35 unless:

- 36 (1) the parent or student provides the appropriate documentation
37 of immunity; **or**
38 ~~(2) for chicken pox, the parent or student provides a written~~
39 ~~signed statement that the student has indicated a history of~~
40 ~~chicken pox; or~~
41 ~~(3)~~ **(2)** IC 20-34-3-2 or IC 20-34-3-3 applies.

42 ~~(b)~~ **(b)** A school that enrolls grade 6 female students shall provide each



1 parent of a female student who is entering grade 6 with information
 2 prescribed by the state department of health under subsection (c)
 3 concerning the link between cervical cancer and the human
 4 papillomavirus (HPV) infection and that an immunization against the
 5 human papillomavirus (HPV) infection is available:

6 (c) The state department of health shall provide a school described
 7 in subsection (b) with the information concerning cervical cancer and
 8 the human papillomavirus (HPV) infection required in subsection (b).
 9 The information must include the following:

10 (1) The latest scientific information on the immunization against
 11 the human papillomavirus (HPV) infection and the
 12 immunization's effectiveness against causes of cervical cancer:

13 (2) That a pap smear is still critical for the detection of
 14 precancerous changes in the cervix to allow for treatment before
 15 cervical cancer develops:

16 (3) Information concerning the means in which the human
 17 papillomavirus (HPV) infection is contracted:

18 (4) A statement that any questions or concerns concerning
 19 immunizing the child against human papillomavirus (HPV) could
 20 be answered by contacting a health care provider:

21 SECTION 6. IC 20-34-4-4, AS ADDED BY P.L.1-2005, SECTION
 22 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 23 2014]: Sec. 4. (a) The parent of any student who has not received the
 24 immunizations required under this chapter shall present the student to
 25 a physician and request the physician administer the immunizations:
 26 **health care provider whose scope of practice includes the**
 27 **administration of the immunization to receive the required**
 28 **immunity.** If the parent is unable to secure the immunizations, the
 29 local health department serving the area in which the student resides
 30 may provide the immunizations. Vaccines provided by the local health
 31 department shall be furnished by the local health board or the state
 32 department of health from available supplies.

33 (b) The **physician health care provider whose scope of practice**
 34 **includes the administration of the immunization** who administers
 35 the required vaccines to a student shall **give a certificate or other**
 36 **documentation of the immunizations to the individual who presented**
 37 **the student for immunization: enter each immunization administered**
 38 **to the student into the state immunization registry.** This certificate
 39 or other documentation shall be presented on request to the local health
 40 department or the local health department's authorized representative:

41 SECTION 7. IC 20-34-4-5, AS ADDED BY P.L.1-2005, SECTION
 42 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,



1 2014]: Sec. 5. (a) Each school shall require the parent of a student who
 2 has enrolled in the school to furnish not later than the first day of
 3 school a ~~written statement of the student's immunization, accompanied~~
 4 ~~by the physician's certificates or other documentation, unless a written~~
 5 ~~statement of this nature is on file with the school:~~ **attendance proof of**
 6 **the student's immunization status either as a written document**
 7 **from the authorized source or documentation provided from the**
 8 **state immunization registry.**

9 (b) The statement must show, except for a student to whom
 10 IC 20-34-3-2 or IC 20-34-3-3 applies, that the student has been
 11 immunized as required under section 2 of this chapter. The statement
 12 must include the student's date of birth and the date of each
 13 immunization.

14 (c) A student may not be permitted to attend school beyond the first
 15 day of school without furnishing the ~~written statement,~~ **appropriate**
 16 **documentation described in subsection (a),** unless:

- 17 (1) the school gives the parent of the student a waiver; or
- 18 (2) the local health department or a physician determines that the
- 19 student's immunization schedule has been delayed due to extreme
- 20 circumstances and that the required immunizations will not be
- 21 completed before the first day of school.

22 The waiver referred to in subdivision (1) may not be granted for a
 23 period that exceeds twenty (20) days. If subdivision (2) applies, the
 24 parent of the student shall furnish the written statement and a schedule,
 25 **approved provided** by a physician or the local health department, for
 26 the completion of the remainder of the immunizations.

27 ~~(d) The state department of health may commence an action against~~
 28 ~~a school under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an order~~
 29 ~~of compliance for failure to enforce this section:~~

30 ~~(e) (d) Neither a religious objection under IC 20-34-3-2 nor an~~
 31 ~~exception for the student's health under IC 20-34-3-3 relieves a parent~~
 32 ~~from the reporting requirements under this section.~~

33 ~~(f) The state department of health shall adopt rules under IC 4-22-2~~
 34 ~~to implement this section:~~

35 SECTION 8. IC 20-34-4-5.5 IS REPEALED [EFFECTIVE JULY
 36 1, 2014]. ~~Sec. 5.5. (a) Each school that enrolls grade 6 female students~~
 37 ~~shall require the parent of a female student entering grade 6 to furnish~~
 38 ~~not later than the twenty (20) school days after the first day of school~~
 39 ~~a written statement prescribed by the state department of health under~~
 40 ~~subsection (b) stating that the parent has received the information~~
 41 ~~required under section 3(b) of this chapter and that:~~

- 42 (1) the student has received or is receiving the immunization;



1 (2) the parent has decided not to have the student immunized; or
 2 (3) the parent chooses not to provide the information to the school
 3 concerning whether the student was immunized;
 4 against the human papillomavirus (HPV) infection.

5 (b) The state department of health shall prescribe the format for the
 6 written statement required under subsection (a):

7 (c) A student may not be prevented from enrolling in, attending, or
 8 graduating from school for the sole reason that the student has not
 9 provided the school with the written statement required under this
 10 section:

11 SECTION 9. IC 20-34-4-6, AS AMENDED BY P.L.80-2007,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2014]: Sec. 6. (a) Not later than sixty (60) days after the
 14 enrollment of students for the first time and when additional
 15 immunizations are required by statute or rule, each school shall file a
 16 written report with the state department of health and the local health
 17 department having jurisdiction. The report must include the following:

18 (1) A statement of the number of students who have demonstrated
 19 immunity against diphtheria; pertussis (whooping cough); tetanus;
 20 measles; rubella; poliomyelitis; mumps; and hepatitis B:

21 (2) A statement of the number of students who have not
 22 demonstrated immunity against the illnesses listed in subdivision
 23 (1):

24 (3) A statement of the number of students who have been found
 25 positive for sickle cell anemia or lead poisoning:

26 (4) Beginning in the 2008-2009 school year, a statement of the
 27 number of female students in grade 6 who:

28 (A) have or will have; and

29 (B) have not;

30 been immunized against human papillomavirus (HPV) infection;
 31 and the number of female students in grade 6 whose parent chose
 32 not to provide the information to the school concerning whether
 33 the student was immunized:

34 **(a) The state department of health shall obtain reports**
 35 **regarding the immunization status of students at the state level and**
 36 **on an aggregate basis by accessing the state immunization registry.**

37 (b) The state department of health and the local health department
 38 shall, for good cause shown that there exists a substantial threat to the
 39 health and safety of a student or the school community, be able to
 40 validate immunization reports by onsite reviews or examinations of
 41 nonidentifying immunization record data. This section does not
 42 independently authorize the state department of health, a local



1 department of health, or an agent of the state department of health or
2 local department of health to have access to identifying medical or
3 academic record data of individual students attending nonaccredited
4 nonpublic schools.

5 (c) A school shall file a report for each student who enrolls after the
6 filing of the report for students who enrolled at the beginning of the
7 school year. The state department of health has exclusive power to
8 adopt rules for the administration of this section.

