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HOUSE BILL NO. 2291**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education
on January 24, 2011)

(Patron Prior to Substitute—Delegate Sickles)

*A BILL to amend and reenact §§ 22.1-271.2, 22.1-271.4, and 32.1-46 of the Code of Virginia, relating to health requirements for students; immunizations.***Be it enacted by the General Assembly of Virginia:****1. That §§ 22.1-271.2, 22.1-271.4, and 32.1-46 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-271.2. Immunization requirements.

A. No student shall be admitted by a school unless at the time of admission the student or his parent submits documentary proof of immunization to the admitting official of the school or unless the student is exempted from immunization pursuant to subsection C or is a homeless child or youth as defined in subdivision 6 of § 22.1-3. If a student does not have documentary proof of immunization, the school shall notify the student or his parent (i) that it has no documentary proof of immunization for the student; (ii) that it may not admit the student without proof unless the student is exempted pursuant to subsection C, including any homeless child or youth as defined in subdivision 6 of § 22.1-3; (iii) that the student may be immunized and receive certification by a licensed physician, *licensed nurse practitioner*, registered nurse or an employee of a local health department; and (iv) how to contact the local health department to learn where and when it performs these services. Neither this Commonwealth nor any school or admitting official shall be liable in damages to any person for complying with this section.

Any physician, *nurse practitioner*, registered nurse or local health department employee performing immunizations shall provide to any person who has been immunized or to his parent, upon request, documentary proof of immunizations conforming with the requirements of this section.

B. Any student whose immunizations are incomplete may be admitted conditionally if that student provides documentary proof at the time of enrollment of having received at least one dose of the required immunizations accompanied by a schedule for completion of the required doses within 90 days.

The immunization record of each student admitted conditionally shall be reviewed periodically until the required immunizations have been received.

Any student admitted conditionally and who fails to comply with his schedule for completion of the required immunizations shall be excluded from school until his immunizations are resumed.

C. No certificate of immunization shall be required for the admission to school of any student if (i) the student or his parent submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices; or (ii) the school has written certification from a licensed physician, *licensed nurse practitioner*, or a local health department that one or more of the required immunizations may be detrimental to the student's health, indicating the specific nature and probable duration of the medical condition or circumstance that contraindicates immunization.

However, if a student is a homeless child or youth as defined in subdivision 6 of § 22.1-3 and (a) does not have documentary proof of necessary immunizations or has incomplete immunizations and (b) is not exempted from immunization pursuant to clauses (i) or (ii) of this subsection, the school division shall immediately admit such student and shall immediately refer the student to the local school division liaison, as described in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended (42 U.S.C. § 11431 et seq.) (the Act), who shall assist in obtaining the documentary proof of, or completing, immunization and other services required by such Act.

D. The admitting official of a school shall exclude from the school any student for whom he does not have documentary proof of immunization or notice of exemption pursuant to subsection C, including notice that such student is a homeless child or youth as defined in subdivision 6 of § 22.1-3.

E. Every school shall record each student's immunizations on the school immunization record. The school immunization record shall be a standardized form provided by the State Department of Health, which shall be a part of the mandatory permanent student record. Such record shall be open to inspection by officials of the State Department of Health and the local health departments.

The school immunization record shall be transferred by the school whenever the school transfers any student's permanent academic or scholastic records.

Within 30 calendar days after the beginning of each school year or entrance of a student, each admitting official shall file a report with the local health department. The report shall be filed on forms prepared by the State Department of Health and shall state the number of students admitted to school with documentary proof of immunization, the number of students who have been admitted with a

60 medical or religious exemption and the number of students who have been conditionally admitted,
61 including those students who are homeless children or youths as defined in subdivision 6 of § 22.1-3.

62 F. The requirement for Haemophilus Influenzae Type b immunization as provided in § 32.1-46 shall
63 not apply to any child admitted to any grade level, kindergarten through grade 12.

64 G. The Board of Health shall promulgate rules and regulations for the implementation of this section
65 in congruence with rules and regulations of the Board of Health promulgated under § 32.1-46 and in
66 cooperation with the Board of Education.

67 § 22.1-271.4. Health requirements for home-instructed, exempted, and excused children.

68 In addition to compliance with the requirements of subsection B, D, or I of § 22.1-254 or
69 § 22.1-254.1, any parent, guardian or other person having control or charge of a child being home
70 instructed, exempted or excused from school attendance shall comply with the immunization
71 requirements provided in § 32.1-46 in the same manner and to the same extent as if the child has been
72 enrolled in and is attending school.

73 Upon request by the division superintendent, the parent shall submit to such division superintendent
74 documentary proof of immunization in compliance with § 32.1-46.

75 No proof of immunization shall be required of any child upon submission of (i) an affidavit to the
76 division superintendent stating that the administration of immunizing agents conflicts with the parent's or
77 guardian's religious tenets or practices or (ii) a written certification from a licensed physician, *licensed*
78 *nurse practitioner, or local health department* that one or more of the required immunizations may be
79 detrimental to the child's health, indicating the specific nature of the medical condition or circumstance
80 that contraindicates immunization.

81 § 32.1-46. Immunization of patients against certain diseases.

82 A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth
83 shall cause such child to be immunized in accordance with the Immunization Schedule developed and
84 published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on
85 Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American
86 Academy of Family Physicians (AAFP). The required immunizations for attendance at a public or
87 private elementary, middle or secondary school, child care center, nursery school, family day care home
88 or developmental center shall be those set forth in the State Board of Health Regulations for the
89 Immunization of School Children. The Board's regulations shall at a minimum require:

90 1. A minimum of three properly spaced doses of hepatitis B vaccine (HepB).

91 2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be
92 administered on or after the fourth birthday. A booster dose shall be administered prior to entering the
93 sixth grade if at least five years have passed since the last dose of diphtheria toxoid.

94 3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be
95 administered on or after the fourth birthday. A booster dose of Tdap vaccine shall be administered prior
96 to entering the sixth grade if at least five years have passed since the last dose of tetanus toxoid.

97 4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall
98 be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into
99 the sixth grade if at least five years have passed since the last dose of pertussis vaccine.

100 5. Two or three primary doses of Haemophilus influenzae type b (Hib) vaccine, depending on the
101 manufacturer, for children up to 60 months of age.

102 6. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be
103 administered at age 12 months or older.

104 7. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.

105 8. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.

106 9. All susceptible children born on and after January 1, 1997, shall be required to have one dose of
107 varicella vaccine on or after 12 months.

108 10. Three or more properly spaced doses of oral polio vaccine (OPV) or inactivated polio vaccine
109 (IPV). One dose shall be administered on or after the fourth birthday. A fourth dose shall be required if
110 the three dose primary series consisted of a combination of OPV and IPV.

111 11. Two to four doses, dependent on age at first dose, of properly spaced pneumococcal 7-valent
112 conjugate (PVC) vaccine for children less than two years of age.

113 12. Three doses of properly spaced human papillomavirus (HPV) vaccine for females. The first dose
114 shall be administered before the child enters the sixth grade.

115 The parent, guardian or person standing in loco parentis may have such child immunized by a
116 physician or registered nurse or may present the child to the appropriate local health department, which
117 shall administer the vaccines required by the State Board of Health Regulations for the Immunization of
118 School Children without charge.

119 B. A physician, registered nurse or local health department administering a vaccine required by this
120 section shall provide to the person who presents the child for immunizations a certificate that shall state
121 the diseases for which the child has been immunized, the numbers of doses given, the dates when

administered and any further immunizations indicated.

C. The vaccines required by this section shall meet the standards prescribed in, and be administered in accordance with, regulations of the Board.

D. The provisions of this section shall not apply if:

1. The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of disease has been declared by the Board;

2. The parent or guardian presents a statement from a physician licensed to practice medicine in Virginia, ~~or~~ a licensed nurse practitioner, *or a local health department* that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child; or

3. Because the human papillomavirus is not communicable in a school setting, a parent or guardian, at the parent's or guardian's sole discretion, may elect for the parent's or guardian's child not to receive the human papillomavirus vaccine, after having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board.

E. For the purpose of protecting the public health by ensuring that each child receives age-appropriate immunizations, any physician, physician assistant, nurse practitioner, licensed institutional health care provider, local or district health department, the Virginia Immunization Information System, and the Department of Health may share immunization and patient locator information without parental authorization, including, but not limited to, the month, day, and year of each administered immunization; the patient's name, address, telephone number, birth date, and social security number; and the parents' names. The immunization information; the patient's name, address, telephone number, birth date, and social security number; and the parents' names shall be confidential and shall only be shared for the purposes set out in this subsection.

F. The State Board of Health shall review this section annually and make recommendations for revision by September 1 to the Governor, the General Assembly, and the Joint Commission on Health Care.