

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-46 of the Code of Virginia, relating to required immunizations;*
 3 *acellular pertussis booster.*

4 [H 2215]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 32.1-46 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 32.1-46. Immunization of patients against certain diseases.**

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

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

18 2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be
 19 administered on or after the fourth birthday.

20 3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be
 21 administered on or after the fourth birthday.

22 4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall
 23 be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into
 24 the ~~sixth~~ seventh grade.

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

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

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

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

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

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

36 11. One to four doses, dependent on age at first dose, of properly spaced pneumococcal conjugate
 37 (PCV) vaccine for children up to 60 months of age.

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

40 The parent, guardian or person standing in loco parentis may have such child immunized by a
 41 physician, physician assistant, nurse practitioner, registered nurse, or licensed practical nurse, or a
 42 pharmacist who administers pursuant to a valid prescription, or may present the child to the appropriate
 43 local health department, which shall administer the vaccines required by the State Board of Health
 44 Regulations for the Immunization of School Children without charge to the parent of or person standing
 45 in loco parentis to the child if (i) the child is eligible for the Vaccines for Children Program or (ii) the
 46 child is eligible for coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C.
 47 § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid),
 48 Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), or 10 U.S.C. § 1071 et seq.
 49 (CHAMPUS). In all cases in which a child is covered by a health carrier, Medicare, Medicaid, CHIP, or
 50 CHAMPUS, the Department shall seek reimbursement from the health carrier, Medicare, Medicaid,
 51 CHIP, or CHAMPUS for all allowable costs associated with the provision of the vaccine. For the
 52 purposes of this section, the Department shall be deemed a participating provider with a managed care
 53 health insurance plan as defined in § 32.1-137.1.

54 B. A physician, physician assistant, nurse practitioner, registered nurse, licensed practical nurse,
 55 pharmacist, or local health department administering a vaccine required by this section shall provide to
 56 the person who presents the child for immunizations a certificate that shall state the diseases for which

57 the child has been immunized, the numbers of doses given, the dates when administered and any further
58 immunizations indicated.

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

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

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

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

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

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

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