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SENATE BILL NO. 116

Offered January 11, 2006

Prefiled January 9, 2006

A *BILL to amend and reenact § 32.1-46 of the Code of Virginia, relating to immunization of children against certain diseases.*

Patron—Howell

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-46 of the Code of Virginia is amended and reenacted as follows:**

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

A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized by vaccine against diphtheria, tetanus, whooping cough and poliomyelitis before such child attains the age of one year, against *Haemophilus influenzae* type b before he attains the age of 30 months, and against measles (rubeola), German measles (rubella) and mumps before such child attains the age of two years. All children born on or after January 1, 1994, shall be required to receive immunization against hepatitis B before their first birthday. All children shall also be required to receive a second dose of measles (rubeola) vaccine in accordance with the regulations of the Board. The Board's regulations shall require that all children receive a second dose of measles (rubeola) vaccine prior to first entering kindergarten or first grade and that all children who have not yet received a second dose of measles (rubeola) vaccine receive such second dose prior to entering the sixth grade. All children born on or after January 1, 1997, shall be required to receive immunization against varicella zoster (chicken pox), not earlier than the age of 12 months. Children who have evidence of immunity as demonstrated by laboratory confirmation of immunity or a reliable medical history of disease are exempt from such requirement. After July 1, 2001, all children who have not yet received immunization against hepatitis B shall receive such immunization prior to entering sixth grade in accordance with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP). The required immunizations for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center shall be those set forth in the State Board of Health Regulations for the Immunization of School Children. The Board's regulations shall at a minimum require:

1. A minimum of three properly spaced doses of hepatitis B vaccine (HepB).
 2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of diphtheria toxoid.
 3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of tetanus toxoid.
 4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into the sixth grade if at least five years have passed since the last dose of pertussis vaccine.
 5. Two or three primary doses of *Haemophilus influenzae* type b (Hib) vaccine, depending on the manufacturer, for children up to 60 months of age.
 6. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be administered at age 12 months or older.
 7. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.
 8. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.
 9. All susceptible children born on and after January 1, 1997, shall be required to have one dose of varicella vaccine on or after 12 months.
 10. Three or more properly spaced doses of oral polio vaccine (OPV) or inactivated polio vaccine (IPV). One dose shall be administered on or after the fourth birthday. A fourth dose shall be required if the three dose primary series consisted of a combination of OPV and IPV.
 11. Two to four doses, dependent on age at first dose, of properly spaced pneumococcal 7-valent conjugate (PVC) vaccine for children less than two years of age.
- The parent, guardian or person standing in loco parentis may have such child immunized by a

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59 physician or registered nurse or may present the child to the appropriate local health department, which
60 shall administer the required vaccines without charge.

61 B. A physician, registered nurse or local health department administering a vaccine required by this
62 section shall provide to the person who presents the child for immunizations a certificate that shall state
63 the diseases for which the child has been immunized, the numbers of doses given, the dates when
64 administered and any further immunizations indicated.

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

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

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

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

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

84 F. *The State Board of Health shall review this section annually and make recommendations for*
85 *revision.*