

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-271.2 of the Code of Virginia, relating to immunization*
 3 *requirements for public school students.*

4 [H 1089]
 5 Approved

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

7 **1. That § 22.1-271.2 of the Code of Virginia is amended and reenacted as follows:**

8 § 22.1-271.2. Immunization requirements.

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

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

24 B. Any student whose immunizations are incomplete may be admitted conditionally if that student
 25 provides documentary proof at the time of enrollment of having received at least one dose of the
 26 required immunizations accompanied by a schedule for completion of the required doses within 90
 27 calendar days. *If the student requires more than two doses of hepatitis B vaccine, the conditional*
 28 *enrollment period shall be 180 calendar days.*

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

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

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

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

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

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

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

55 Within 30 calendar days after the beginning of each school year or entrance of a student, each
 56 admitting official shall file a report with the local health department. The report shall be filed on forms

57 prepared by the State Department of Health and shall state the number of students admitted to school
58 with documentary proof of immunization, the number of students who have been admitted with a
59 medical or religious exemption and the number of students who have been conditionally admitted,
60 including those students who are homeless children or youths as defined in subdivision A 6 of § 22.1-3.

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

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