



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 197 be amended to read as follows:

- 1 Page 27, between lines 5 and 6, begin a new paragraph and insert:
- 2 "SECTION 22. IC 20-34-4-2, AS AMENDED BY P.L.208-2015,
- 3 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2021]: Sec. 2. (a) Every child residing in Indiana who is
- 5 enrolled in an accredited elementary school or high school shall be
- 6 immunized as determined by the state department of health against:
- 7 (1) diphtheria;
- 8 (2) pertussis (whooping cough);
- 9 (3) tetanus;
- 10 (4) measles;
- 11 (5) rubella;
- 12 (6) poliomyelitis;
- 13 (7) mumps;
- 14 (8) varicella;
- 15 (9) hepatitis A;
- 16 (10) hepatitis B; and
- 17 (11) meningitis.
- 18 (b) **Except as provided in subsection (e)**, the state department of
- 19 health may expand or otherwise modify the list of communicable
- 20 diseases that require documentation of immunity as medical
- 21 information becomes available that would warrant the expansion or

- 1 modification in the interest of public health.
- 2 (c) Before November 30 of each year, the state department of health  
3 shall publish a two (2) year calendar of immunization requirements and  
4 recommendations. The calendar must include:
- 5 (1) the immunization requirements for the following school year;  
6 and  
7 (2) recommendations for immunization requirements for the year  
8 subsequent to the following school year.
- 9 (d) The publishing time frame for the calendar described in  
10 subsection (c) does not apply in the event of an emergency as  
11 determined by the state health commissioner.
- 12 **(e) The state department of health, any school, or any school**  
13 **district may not require a child to receive an immunization that**  
14 **has been authorized for emergency use under 21 U.S.C.**  
15 **360bbb-3(a)(1) of the Food, Drug, and Cosmetic Act (21 U.S.C.**  
16 **564) and lacks full federal Food and Drug Administration**  
17 **approval.**
- 18 ~~(e)~~ **(f)** The state department of health shall adopt rules under  
19 IC 4-22-2 specifying the:
- 20 (1) required immunizations;  
21 (2) child's age for administering each vaccine;  
22 (3) adequately immunizing doses; and  
23 (4) method of documentation of proof of immunity.
- 24 SECTION 23. IC 20-34-4-2.5 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. A person who knowingly or**  
27 **intentionally violates section 2(e) of this chapter commits a Class**  
28 **C misdemeanor.**
- 29 SECTION 24. IC 21-40-5-2.5 IS ADDED TO THE INDIANA  
30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. (a) The department, a state**  
32 **educational institution, or any other postsecondary educational**  
33 **institution that operates in Indiana may not require a student to**  
34 **receive an immunization that has been authorized for emergency**  
35 **use under 21 U.S.C. 360bbb-3(a)(1) of the Food, Drug, and**  
36 **Cosmetic Act (21 U.S.C. 564) and lacks full federal Food and Drug**  
37 **Administration approval.**
- 38 **(b) A person who knowingly or intentionally violates this section**  
39 **commits a Class C misdemeanor.**
- 40 SECTION 25. IC 21-40-5-12, AS ADDED BY P.L.2-2007,  
41 SECTION 281, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2021]: **Sec. 12. Except as provided in section**  
43 **2.5 of this chapter, this chapter does not prohibit a postsecondary**  
44 **educational institution that:**
- 45 (1) provides education, degrees, or certificates above the high  
46 school level; and

1           (2) is not a state educational institution;  
2 from voluntarily complying with this chapter."  
3           Page 90, between lines 11 and 12, begin a new paragraph and insert:  
4           "SECTION 96. IC 35-52-20-10 IS ADDED TO THE INDIANA  
5 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
6 [EFFECTIVE JULY 1, 2021]: **Sec. 10. IC 20-34-4-2.5 defines a crime**  
7 **concerning student health and safety measures.**  
8           SECTION 97. IC 35-52-21-6 IS ADDED TO THE INDIANA  
9 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
10 [EFFECTIVE JULY 1, 2021]: **Sec. 6. IC 21-40-5-2.5 defines a crime**  
11 **concerning immunization requirements at state educational**  
12 **institutions."**  
13           Renumber all SECTIONS consecutively.  
          (Reference is to ESB 197 as printed April 1, 2021.)

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Representative Prescott