

HOUSE BILL No. 1359

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-35; IC 20-33; IC 20-34.

Synopsis: Immunizations. Requires the state department of health (department) to establish a program to provide information about the human papillomavirus (HPV) to parents, health care providers, and other individuals approved to administer the HPV vaccine and to establish goals and plans to increase the vaccination rate for the HPV infection. Requires the department to prepare an annual report concerning the program. Repeals and relocates the immunization laws from the education laws to the health laws. Removes the requirement for a school to provide parents of grade 6 female students information concerning the HPV infection, and removes the requirement that the state department provide the information to the school. Requires the department to publish a calendar of immunization requirements. Requires the state department to provide the department of education with immunization materials, and requires the materials to be distributed to students' parents and guardians. Makes conforming changes.

Effective: July 1, 2015.

**Errington, Clere, Kirchhofer,
Shackleford**

January 14, 2015, read first time and referred to Committee on Public Health.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1359

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-35-9 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]:
4 **Chapter 9. Human Papillomavirus (HPV) Program**
5 **Sec. 1. (a) The state department shall establish a program to do**
6 **the following:**
7 **(1) Provide information to:**
8 **(A) parents; and**
9 **(B) health care providers and other individuals approved**
10 **to administer the human papillomavirus (HPV) vaccine;**
11 **about the HPV infection and the HPV vaccine.**
12 **(2) Establish goals and plans to increase the vaccination rate**
13 **for the human papillomavirus (HPV) infection to achieve an**
14 **eighty percent (80%) immunization rate for children who are**
15 **at least thirteen (13) years of age but less than sixteen (16)**



1 years of age not later than July 1, 2020.

2 (3) Work with various governmental agencies and private
3 organizations to develop and distribute information regarding
4 the human papillomavirus (HPV) infection and the HPV
5 vaccine.

6 (b) In establishing the program under subsection (a), the state
7 department shall:

8 (1) seek entities to form partnerships to work in cooperation
9 with governmental agencies and private organizations;

10 (2) use a reminder and recall system and other provider
11 education initiatives until the program achieves an eighty
12 percent (80%) human papillomavirus (HPV) immunization
13 rate for children who are at least thirteen (13) years of age
14 but less than sixteen (16) years of age; and

15 (3) provide adequate attention on the human papillomavirus
16 (HPV) immunization rate for minority and low income
17 children.

18 Sec. 2. (a) Beginning September 1, 2016, the state department
19 shall prepare annually a report that provides the following
20 information:

21 (1) The estimated number of grade 6 students who have been
22 immunized against the human papillomavirus (HPV)
23 infection.

24 (2) Recent efforts to educate and inform:

25 (A) parents; and

26 (B) health care providers and other individuals approved
27 to administer the human papillomavirus (HPV) vaccine;
28 about the HPV infection and the HPV vaccine.

29 (3) Recent partnerships with other agencies and organizations
30 to accomplish the goals of the program.

31 (4) Future plans and goals of the program.

32 (b) The report prepared under subsection (a) must be:

33 (1) presented annually to the interim study committee on
34 public health, behavioral health, and human services
35 established by IC 2-5-1.3-4; and

36 (2) submitted to the general assembly in an electronic format
37 under IC 5-14-6.

38 SECTION 2. IC 16-35-10 IS ADDED TO THE INDIANA CODE
39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2015]:

41 **Chapter 10. Immunizations**

42 **Sec. 1. (a) Each school shall keep an immunization record of the**



1 school's students. The records must be kept uniformly throughout
 2 Indiana according to procedures prescribed by the state
 3 department.

4 (b) When a student transfers to another school, the school from
 5 which the student is transferring may furnish, not later than
 6 twenty (20) days after the transfer, a copy of the student's
 7 immunization record to the school to which the student is
 8 transferring.

9 (c) When a student enrolls in a state educational institution, the
 10 school from which the student graduated may furnish a copy of the
 11 student's immunization record to the state educational institution.
 12 If the student is enrolled in a state educational institution while still
 13 attending a secondary level school, the secondary level school that
 14 the student is attending may furnish a copy of the student's
 15 immunization record to the state educational institution.

16 Sec. 2. (a) Every child residing in Indiana enrolled in a state or
 17 accredited K-12 school shall be immunized as determined by the
 18 state department against:

- 19 (1) diphtheria;
- 20 (2) pertussis (whooping cough);
- 21 (3) tetanus;
- 22 (4) measles;
- 23 (5) rubella;
- 24 (6) poliomyelitis;
- 25 (7) mumps;
- 26 (8) varicella;
- 27 (9) hepatitis B;
- 28 (10) hepatitis A; and
- 29 (11) meningitis.

30 (b) The state department may expand or modify the list of
 31 communicable diseases that require documentation of immunity as
 32 medical information becomes available that would warrant the
 33 expansion or modification in the interest of public health.

34 (c) The state department shall adopt rules under IC 4-22-2
 35 specifying the:

- 36 (1) required immunizations;
- 37 (2) child's age for administering each vaccine;
- 38 (3) adequate immunizing doses; and
- 39 (4) method of documentation of proof of immunity.

40 (d) The state department shall publish, by November 30 of each
 41 year, a two (2) year calendar of immunization requirements and
 42 recommendations. The calendar must include the immunization



1 requirements for the next school year and recommendations for
 2 the following school year. Except in extreme situations or an
 3 outbreak emergency, changes to the immunization requirements
 4 may not occur unless the immunization recommendation has been
 5 published for at least twenty (20) months.

6 (e) The publishing time frames in subsection (d) do not apply in
 7 the event of an emergency, outbreak, or extreme situation as
 8 determined by the state health commissioner.

9 Sec. 3. (a) Each school shall notify each parent of a student who
 10 enrolls in the school of the requirement that the student must be
 11 immunized and that the immunization is required for the student's
 12 continued enrollment, attendance, or residence at the school
 13 unless:

14 (1) the parent or student provides the appropriate
 15 documentation of immunity;

16 (2) for chicken pox, the parent or student provides a written
 17 signed statement that the student has indicated a history of
 18 chicken pox; or

19 (3) IC 20-34-3-2 or IC 20-34-3-3 applies.

20 (b) The state department shall provide the department of
 21 education with material concerning immunizations and
 22 immunization preventable diseases for distribution to parents and
 23 guardians.

24 (c) The department of education shall provide these materials
 25 to schools to be provided to students' parents and guardians. These
 26 materials may be distributed by a school by posting the required
 27 information on the school's Internet web site.

28 Sec. 4. (a) The parent of any student who has not received the
 29 immunizations required under this chapter shall present the
 30 student to a physician and request the physician administer the
 31 immunizations. If the parent is unable to secure the immunizations,
 32 the local health department serving the area in which the student
 33 resides may provide the immunizations. Vaccines provided by the
 34 local health department shall be furnished by the local health
 35 board or the state department from available supplies.

36 (b) The physician who administers the required vaccines to a
 37 student shall give a certificate or other documentation of the
 38 immunizations to the individual who presented the student for
 39 immunization. This certificate or other documentation must be
 40 presented on request to the local health department or the local
 41 health department's authorized representative.

42 Sec. 5. (a) Each school shall require the parent of a student who



1 has enrolled in the school to furnish not later than the first day of
 2 school a written statement of the student's immunizations,
 3 accompanied by the physician's certificates or other
 4 documentation, unless a written statement of this nature is on file
 5 with the school.

6 (b) The statement must show, except for a student to whom
 7 IC 20-34-3-2 or IC 20-34-3-3 applies, that the student has been
 8 immunized as required under section 2 of this chapter. The
 9 statement must include the student's date of birth and the date of
 10 each immunization.

11 (c) A student may not be permitted to attend school beyond the
 12 first day of school without furnishing the written statement, unless:

- 13 (1) the school gives the parent of the student a waiver; or
- 14 (2) the local health department or a physician determines that
 15 the student's immunization schedule has been delayed due to
 16 extreme circumstances and that the required immunizations
 17 will not be completed before the first day of school.

18 The waiver referred to in subdivision (1) may not be granted for a
 19 period that exceeds twenty (20) days. If subdivision (2) applies, the
 20 parent of the student shall furnish the written statement and a
 21 schedule, approved by a physician or the local health department,
 22 for the completion of the remainder of the immunizations.

23 (d) The state department may commence an action against a
 24 school under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an
 25 order of compliance for failure to enforce this section.

26 (e) Neither a religious objection under IC 20-34-3-2 nor an
 27 exception for the student's health under IC 20-34-3-3 relieves a
 28 parent from the reporting requirements under this section.

29 (f) The state department shall adopt rules under IC 4-22-2 to
 30 implement this section.

31 **Sec. 6. (a) Not later than sixty (60) days after the enrollment of**
 32 **students for the first time and when additional immunizations are**
 33 **required by statute or rule, each school shall file a written report**
 34 **with the state department and the local health department having**
 35 **jurisdiction. The report must include the following:**

36 (1) A statement of the number of students who have
 37 demonstrated immunity against diphtheria, pertussis
 38 (whooping cough), tetanus, measles, rubella, poliomyelitis,
 39 mumps, and hepatitis B.

40 (2) A statement of the number of students who have not
 41 demonstrated immunity against the illnesses listed in
 42 subdivision (1).



- 1 **(3) A statement of the number of students who have been**
 2 **found positive for sickle cell anemia or lead poisoning.**
 3 **(b) The state department and the local health department shall,**
 4 **for good cause shown that there exists a substantial threat to the**
 5 **health and safety of a student or the school community, be able to**
 6 **validate immunization reports by onsite reviews or examinations**
 7 **of nonidentifying immunization record data. This section does not**
 8 **independently authorize the state department, a local department**
 9 **of health, or an agent of the state department or local department**
 10 **of health to have access to identifying medical or academic record**
 11 **data of individual students attending nonaccredited nonpublic**
 12 **schools.**
 13 **(c) A school shall file a report for each student who enrolls after**
 14 **the filing of the report for students who enrolled at the beginning**
 15 **of the school year. The state department has exclusive power to**
 16 **adopt rules for the administration of this section.**
 17 **Sec. 7. (a) Any rules adopted by the state department before**
 18 **July 1, 2015, under IC 20-34-4 shall be treated after June 30, 2015,**
 19 **as though they had been adopted by the state department under**
 20 **this chapter**
 21 **(b) Any rules adopted by the department of education before**
 22 **July 1, 2015, under IC 20-34-4 shall be treated after June 30, 2015,**
 23 **as though they had been adopted by the department of education**
 24 **under this chapter.**
 25 **(c) A reference in the Indiana Administrative Code to**
 26 **IC 20-34-4 before July 1, 2015, is considered a reference to**
 27 **IC 16-35-10 after June 30, 2015.**
 28 **(d) This section expires July 1, 2022.**
 29 **SECTION 3. IC 20-33-2-13, AS AMENDED BY P.L.43-2014,**
 30 **SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 31 **JULY 1, 2015]: Sec. 13. (a) A school corporation shall record or**
 32 **include the following information in the official high school transcript**
 33 **for a student in high school:**
 34 **(1) Attendance records.**
 35 **(2) The student's latest ISTEP program test results under**
 36 **IC 20-32-5.**
 37 **(3) Any secondary level and postsecondary level certificates of**
 38 **achievement earned by the student.**
 39 **(4) Immunization information from the immunization record the**
 40 **student's school keeps under ~~IC 20-34-4-1~~. IC 16-35-10-1.**
 41 **(5) Any dual credit courses taken that are included in the core**
 42 **transfer library under IC 21-42-5-4.**



1 (6) The student's latest PSAT program test results.

2 (b) A school corporation may include information on a student's
3 high school transcript that is in addition to the requirements of
4 subsection (a).

5 SECTION 4. IC 20-33-8-3, AS ADDED BY P.L.1-2005, SECTION
6 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
7 2015]: Sec. 3. (a) As used in this chapter, "expulsion" means a
8 disciplinary or other action whereby a student:

9 (1) is separated from school attendance for a period exceeding ten
10 (10) school days;

11 (2) is separated from school attendance for the balance of the
12 current semester or current year unless a student is permitted to
13 complete required examinations in order to receive credit for
14 courses taken in the current semester or current year; or

15 (3) is separated from school attendance for the period prescribed
16 under section 16 of this chapter, which may include an
17 assignment to attend an alternative school, an alternative
18 educational program, or a homebound educational program.

19 (b) The term does not include situations when a student is:

20 (1) disciplined under section 25 of this chapter;

21 (2) removed from school in accordance with IC 20-34-3-9; or

22 (3) removed from school for failure to comply with the
23 immunization requirements of ~~IC 20-34-4-5~~. **IC 16-35-10-5.**

24 SECTION 5. IC 20-33-8-7, AS ADDED BY P.L.1-2005, SECTION
25 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
26 2015]: Sec. 7. (a) As used in this chapter, "suspension" means any
27 disciplinary action that does not constitute an expulsion under section
28 3 of this chapter, whereby a student is separated from school
29 attendance for a period of not more than ten (10) school days.

30 (b) The term does not include a situation in which a student is:

31 (1) disciplined under section 25 of this chapter;

32 (2) removed from school in accordance with IC 20-34-3-9; or

33 (3) removed from school for failure to comply with the
34 immunization requirements of ~~IC 20-34-4-5~~. **IC 16-35-10-5.**

35 SECTION 6. IC 20-34-3-1, AS ADDED BY P.L.1-2005, SECTION
36 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
37 2015]: Sec. 1. (a) When the power to make rules for the administration
38 of a section of this chapter or ~~IC 20-34-4~~ **IC 16-35-10** is not
39 specifically granted to a particular board or agency, the state
40 department of health and the state board shall jointly adopt rules.

41 (b) A rule adopted under this chapter or ~~IC 20-34-4~~ **IC 16-35-10**
42 must comply with IC 4-22-2. However, the state department of health



1 may prescribe forms for any reports required under this chapter or
 2 ~~IC 20-34-4 IC 16-35-10~~ without formal procedures.

3 SECTION 7. IC 20-34-3-2, AS ADDED BY P.L.1-2005, SECTION
 4 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 5 2015]: Sec. 2. (a) Except as otherwise provided, a student may not be
 6 required to undergo any testing, examination, immunization, or
 7 treatment required under this chapter or ~~IC 20-34-4 IC 16-35-10~~ when
 8 the child's parent objects on religious grounds. A religious objection
 9 does not exempt a child from any testing, examination, immunization,
 10 or treatment required under this chapter or ~~IC 20-34-4 IC 16-35-10~~
 11 unless the objection is:

- 12 (1) made in writing;
- 13 (2) signed by the child's parent; and
- 14 (3) delivered to the child's teacher or to the individual who might
 15 order a test, an exam, an immunization, or a treatment absent the
 16 objection.

17 (b) A teacher may not be compelled to undergo any testing,
 18 examination, or treatment under this chapter or ~~IC 20-34-4~~
 19 **IC 16-35-10** if the teacher objects on religious grounds. A religious
 20 objection does not exempt an objecting individual from any testing,
 21 examination, or treatment required under this chapter or ~~IC 20-34-4~~
 22 **IC 16-35-10** unless the objection is:

- 23 (1) made in writing;
- 24 (2) signed by the objecting individual; and
- 25 (3) delivered to the principal of the school in which the objecting
 26 individual teaches.

27 SECTION 8. IC 20-34-3-3, AS ADDED BY P.L.1-2005, SECTION
 28 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 29 2015]: Sec. 3. If a physician certifies that a particular immunization
 30 required by this chapter or ~~IC 20-34-4 IC 16-35-10~~ is or may be
 31 detrimental to a student's health, the requirements of this chapter or
 32 ~~IC 20-34-4 IC 16-35-10~~ for that particular immunization is
 33 inapplicable for the student until the immunization is found no longer
 34 detrimental to the student's health.

35 SECTION 9. IC 20-34-4 IS REPEALED [EFFECTIVE JULY 1,
 36 2015]. (Immunizations).

