



February 20, 2015

HOUSE BILL No. 1359

DIGEST OF HB 1359 (Updated February 19, 2015 9:54 am - DI 77)

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. Requires a school to provide parents of grade 6 students information concerning the HPV infection. (Current law requires the information to be provided to the parents of grade 6 female students.) Adds hepatitis A to the list of school children immunizations. Requires the department to publish a calendar of immunization requirements. Requires the department to provide the department of education with immunization materials, and requires the materials to be distributed to students' parents and guardians. Allows documentation from the state immunization data registry to be used as proof of the student's immunization status. Requires a health care provider who administers an immunization to enter the information into the state immunization registry. Requires a school corporation to ensure that immunization information is complete in the state immunization registry not later than the first Friday in February. Makes conforming changes.

Effective: July 1, 2015.

**Errington, Clere, Kirchhofer,
Shackleford**

January 14, 2015, read first time and referred to Committee on Public Health.
February 19, 2015, amended, reported — Do Pass.

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February 20, 2015

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)**

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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 according to procedures prescribed by the state
2 department.

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

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

15 Sec. 2. (a) Every child residing in Indiana who is enrolled in a
16 public school (as defined by IC 20-18-2-15(2)) or an accredited
17 nonpublic school (as defined by IC 21-7-13-4) shall be immunized
18 as determined by the 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; or

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

17 (b) A school that enrolls grade 6 students shall provide each
 18 parent of a student who is entering grade 6 with information
 19 prescribed by the state department of health under subsection (c)
 20 concerning the link between cancer and the human papillomavirus
 21 (HPV) infection and that an immunization against the human
 22 papillomavirus (HPV) infection is available.

23 (c) The state department of health shall provide a school
 24 described in subsection (b) with the information concerning cancer
 25 and the human papillomavirus (HPV) infection required in
 26 subsection (b). The information must include the following:

27 (1) The latest scientific information on the immunization
 28 against the human papillomavirus (HPV) infection and the
 29 immunization's effectiveness against causes of cancer.

30 (2) That a pap smear is still critical for the detection of
 31 precancerous changes in the cervix to allow for treatment
 32 before cervical cancer develops.

33 (3) Information concerning the means by which the human
 34 papillomavirus (HPV) infection is contracted.

35 (4) A statement that any questions or concerns concerning
 36 immunizing the child against human papillomavirus (HPV)
 37 could be answered by contacting a health care provider.

38 (d) The state department shall provide the department of
 39 education with material concerning immunizations and
 40 immunization preventable diseases for distribution to parents and
 41 guardians. The department of education shall provide these
 42 materials to schools to be provided to students' parents and



1 guardians. These materials may be distributed by a school by
2 posting the required information on the school's Internet web site.

3 Sec. 4. (a) The parent of any student who has not received the
4 immunizations required under this chapter shall present the
5 student to a health care provider authorized to administer the
6 immunizations.

7 (b) The health care provider or the health care provider's
8 designee who administers the required immunizations to a student
9 shall enter the immunization data information into the state
10 immunization data registry in accordance with IC 16-38-5.

11 Sec. 5. (a) Each school shall require the parent of a student who
12 has enrolled in the school to furnish not later than the first day of
13 school attendance, proof of the student's immunization status,
14 either as a written document from the health care provider who
15 administered the immunization or documentation provided from
16 the state immunization data registry.

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

22 (c) A student may not be permitted to attend school beyond the
23 first day of school without furnishing the documentation described
24 in subsections (a) and (b), unless:

- 25 (1) the school gives the parent of the student a waiver; or
26 (2) the local health department or a health care provider
27 determines that the student's immunization schedule has been
28 delayed due to extreme circumstances and that the required
29 immunizations will not be completed before the first day of
30 school.

31 The waiver referred to in subdivision (1) may not be granted for a
32 period that exceeds twenty (20) school days. If subdivision (2)
33 applies, the parent of the student shall furnish the written
34 statement and a schedule, approved by a health care provider who
35 is authorized to administer the immunizations or the local health
36 department, for the completion of the remainder of the
37 immunizations.

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

41 (e) Neither a religious objection under IC 20-34-3-2 nor an
42 exception for the student's health under IC 20-34-3-3 relieves a



1 parent from the reporting requirements under this section.

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

4 Sec. 6. (a) The state department of health shall collect
5 immunization data on school age children using the state
6 immunization data registry. Each school corporation shall ensure
7 that all applicable immunization information is complete in the
8 state immunization data registry not later than the first Friday in
9 February each year. The state department of health shall use the
10 data to create aggregate reports.

11 (b) The state department and the local health department shall,
12 for good cause shown that there exists a substantial threat to the
13 health and safety of a student or the school community, be able to
14 validate immunization reports by onsite reviews or examinations
15 of nonidentifying immunization record data. This section does not
16 independently authorize the state department, a local department
17 of health, or an agent of the state department or local department
18 of health to have access to identifying medical or academic record
19 data of individual students attending nonaccredited nonpublic
20 schools.

21 (c) The state department has exclusive power to adopt rules for
22 the administration of this section.

23 Sec. 7. (a) Any rules adopted by the state department before
24 July 1, 2015, under IC 20-34-4 shall be treated after June 30, 2015,
25 as though they had been adopted by the state department under
26 this chapter

27 (b) Any rules adopted by the department of education before
28 July 1, 2015, under IC 20-34-4 shall be treated after June 30, 2015,
29 as though they had been adopted by the department of education
30 under this chapter.

31 (c) A reference in the Indiana Administrative Code to
32 IC 20-34-4 before July 1, 2015, is considered a reference to
33 IC 16-35-10 after June 30, 2015.

34 (d) This section expires July 1, 2022.

35 SECTION 3. IC 20-33-2-13, AS AMENDED BY P.L.43-2014,
36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2015]: Sec. 13. (a) A school corporation shall record or
38 include the following information in the official high school transcript
39 for a student in high school:

40 (1) Attendance records.

41 (2) The student's latest ISTEP program test results under
42 IC 20-32-5.



- 1 (3) Any secondary level and postsecondary level certificates of
2 achievement earned by the student.
- 3 (4) Immunization information from the immunization record the
4 student's school keeps under ~~IC 20-34-4-1~~. **IC 16-35-10-1.**
- 5 (5) Any dual credit courses taken that are included in the core
6 transfer library under IC 21-42-5-4.
- 7 (6) The student's latest PSAT program test results.
- 8 (b) A school corporation may include information on a student's
9 high school transcript that is in addition to the requirements of
10 subsection (a).
- 11 SECTION 4. IC 20-33-8-3, AS ADDED BY P.L.1-2005, SECTION
12 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
13 2015]: Sec. 3. (a) As used in this chapter, "expulsion" means a
14 disciplinary or other action whereby a student:
- 15 (1) is separated from school attendance for a period exceeding ten
16 (10) school days;
- 17 (2) is separated from school attendance for the balance of the
18 current semester or current year unless a student is permitted to
19 complete required examinations in order to receive credit for
20 courses taken in the current semester or current year; or
- 21 (3) is separated from school attendance for the period prescribed
22 under section 16 of this chapter, which may include an
23 assignment to attend an alternative school, an alternative
24 educational program, or a homebound educational program.
- 25 (b) The term does not include situations when a student is:
- 26 (1) disciplined under section 25 of this chapter;
- 27 (2) removed from school in accordance with IC 20-34-3-9; or
- 28 (3) removed from school for failure to comply with the
29 immunization requirements of ~~IC 20-34-4-5~~. **IC 16-35-10-5.**
- 30 SECTION 5. IC 20-33-8-7, AS ADDED BY P.L.1-2005, SECTION
31 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
32 2015]: Sec. 7. (a) As used in this chapter, "suspension" means any
33 disciplinary action that does not constitute an expulsion under section
34 3 of this chapter, whereby a student is separated from school
35 attendance for a period of not more than ten (10) school days.
- 36 (b) The term does not include a situation in which a student is:
- 37 (1) disciplined under section 25 of this chapter;
- 38 (2) removed from school in accordance with IC 20-34-3-9; or
- 39 (3) removed from school for failure to comply with the
40 immunization requirements of ~~IC 20-34-4-5~~. **IC 16-35-10-5.**
- 41 SECTION 6. IC 20-34-3-1, AS ADDED BY P.L.1-2005, SECTION
42 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,



1 2015]: Sec. 1. (a) When the power to make rules for the administration
 2 of a section of this chapter or ~~IC 20-34-4 IC 16-35-10~~ is not
 3 specifically granted to a particular board or agency, the state
 4 department of health and the state board shall jointly adopt rules.

5 (b) A rule adopted under this chapter or ~~IC 20-34-4 IC 16-35-10~~
 6 must comply with IC 4-22-2. However, the state department of health
 7 may prescribe forms for any reports required under this chapter or
 8 ~~IC 20-34-4 IC 16-35-10~~ without formal procedures.

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

- 18 (1) made in writing;
- 19 (2) signed by the child's parent; and
- 20 (3) delivered to the child's teacher or to the individual who might
 21 order a test, an exam, an immunization, or a treatment absent the
 22 objection.

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

- 29 (1) made in writing;
- 30 (2) signed by the objecting individual; and
- 31 (3) delivered to the principal of the school in which the objecting
 32 individual teaches.

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

41 SECTION 9. IC 20-34-4 IS REPEALED [EFFECTIVE JULY 1,
 42 2015]. (Immunizations).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 1, delete "students. The records must be kept uniformly throughout" and insert "**students**".

Page 3, line 2, delete "Indiana".

Page 3, line 16, delete "enrolled in a state or" and insert "**who is enrolled in a public school (as defined by IC 20-18-2-15(2)) or an accredited nonpublic school (as defined by IC 21-7-13-4)**".

Page 3, line 17, delete "accredited K-12 school".

Page 4, line 15, after "immunity;" insert "**or**".

Page 4, delete lines 16 through 18.

Page 4, line 19, delete "(3)" and insert "**(2)**".

Page 4, between lines 19 and 20, begin a new paragraph and insert:

"(b) A school that enrolls grade 6 students shall provide each parent of a student who is entering grade 6 with information prescribed by the state department of health under subsection (c) concerning the link between cancer and the human papillomavirus (HPV) infection and that an immunization against the human papillomavirus (HPV) infection is available.

(c) The state department of health shall provide a school described in subsection (b) with the information concerning cancer and the human papillomavirus (HPV) infection required in subsection (b). The information must include the following:

(1) The latest scientific information on the immunization against the human papillomavirus (HPV) infection and the immunization's effectiveness against causes of cancer.

(2) That a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops.

(3) Information concerning the means by which the human papillomavirus (HPV) infection is contracted.

(4) A statement that any questions or concerns concerning immunizing the child against human papillomavirus (HPV) could be answered by contacting a health care provider."

Page 4, line 20, delete "(b)" and insert "**(d)**".

Page 4, line 24, delete "(c)".

Page 4, run in lines 23 through 24.

Page 4, line 30, delete "physician and request the physician administer the" and insert "**health care provider authorized to**



administer the immunizations."

Page 4, delete lines 31 through 35.

Page 4, line 36, delete "physician" and insert **"health care provider or the health care provider's designee"**.

Page 4, line 36, delete "vaccines to a" and insert **"immunizations to a student shall enter the immunization data information into the state immunization data registry in accordance with IC 16-38-5."**

Page 4, delete lines 37 through 41.

Page 5, line 1, after "of" insert **"school attendance, proof of the student's immunization status, either as a written document from the health care provider who administered the immunization or documentation provided from the state immunization data registry."**

Page 5, delete lines 2 through 5.

Page 5, line 12, delete "written statement," and insert **"documentation described in subsections (a) and (b),"**.

Page 5, line 14, delete "physician" and insert **"health care provider"**.

Page 5, line 19, after "(20)" insert **"school"**.

Page 5, line 21, delete "physician" and insert **"health care provider who is authorized to administer the immunizations"**.

Page 5, line 31, delete "Not" and insert **"The state department of health shall collect immunization data on school age children using the state immunization data registry. Each school corporation shall ensure that all applicable immunization information is complete in the state immunization data registry not"**.

Page 5, line 31, delete "sixty (60) days after the enrollment of" and insert **"the first Friday in February each year. The state department of health shall use the data to create aggregate reports."**

Page 5, delete lines 32 through 42.

Page 6, delete lines 1 through 2.

Page 6, line 13, delete "A school shall file a report for each student who enrolls after".

Page 6, delete line 14.

Page 6, line 15, delete "of the school year."

and when so amended that said bill do pass.

(Reference is to HB 1359 as introduced.)

CLERE

Committee Vote: yeas 11, nays 0.

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