

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 2638**

(SENATE AUTHORS: MATHEWS)

DATE  
03/06/2023

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Introduction and first reading  
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to health; prohibiting the commissioner of health from modifying  
1.3 immunization requirements for enrollment in an elementary or secondary school  
1.4 or child care facility to require immunizations against COVID-19; amending  
1.5 Minnesota Statutes 2022, section 121A.15, subdivision 12.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 121A.15, subdivision 12, is amended to read:

1.8 Subd. 12. **Modifications to schedule.** (a) Except as provided in paragraph (e), the  
1.9 commissioner of health may adopt modifications to the immunization requirements of this  
1.10 section. A proposed modification made under this subdivision must be part of the current  
1.11 immunization recommendations of each of the following organizations: the United States  
1.12 Public Health Service's Advisory Committee on Immunization Practices, the American  
1.13 Academy of Family Physicians, and the American Academy of Pediatrics. In proposing a  
1.14 modification to the immunization schedule, the commissioner must:

1.15 (1) consult with (i) the commissioner of education; the commissioner of human services;  
1.16 the chancellor of the Minnesota State Colleges and Universities; and the president of the  
1.17 University of Minnesota; and (ii) the Minnesota Natural Health Coalition, Vaccine Awareness  
1.18 Minnesota, Biological Education for Autism Treatment (BEAT), the Minnesota Academy  
1.19 of Family Physicians, the American Academy of Pediatrics-Minnesota Chapter, and the  
1.20 Minnesota Nurses Association; and

1.21 (2) consider the following criteria: the epidemiology of the disease, the morbidity and  
1.22 mortality rates for the disease, the safety and efficacy of the vaccine, the cost of a vaccination

2.1 program, the cost of enforcing vaccination requirements, and a cost-benefit analysis of the  
2.2 vaccination.

2.3 (b) Before a proposed modification may be adopted, the commissioner must notify the  
2.4 chairs of the house of representatives and senate committees with jurisdiction over health  
2.5 policy issues. If the chairs of the relevant standing committees determine a public hearing  
2.6 regarding the proposed modifications is in order, the hearing must be scheduled within 60  
2.7 days of receiving notice from the commissioner. If a hearing is scheduled, the commissioner  
2.8 may not adopt any proposed modifications until after the hearing is held.

2.9 (c) The commissioner shall comply with the requirements of chapter 14 regarding the  
2.10 adoption of any proposed modifications to the immunization schedule.

2.11 (d) In addition to the publication requirements of chapter 14, the commissioner of health  
2.12 must inform all immunization providers of any adopted modifications to the immunization  
2.13 schedule in a timely manner.

2.14 (e) The commissioner may not use the authority in this subdivision to require a person  
2.15 to receive one or more immunizations against COVID-19 in order to enroll in or remain  
2.16 enrolled in an elementary or secondary school or child care facility.