

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 477

By: Hamilton

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5
6 AS INTRODUCED

7 An Act relating to higher education students;
8 amending 70 O.S. 2011, Section 3243, which relates to
9 vaccinations against meningococcal disease;
10 prohibiting certain institutions beginning in certain
11 academic year from requiring enrolled students to be
12 vaccinated against meningococcal disease; removing
13 language regarding written waivers; allowing an
14 institution to request certain written documentation;
15 creating misdemeanor for certain employee who coerces
16 or influences certain student to receive certain
17 vaccination; amending 70 O.S. 2011, Section 3244,
18 which relates to vaccinations against hepatitis B,
19 measles, mumps and rubella; updating statutory
20 language; prohibiting certain institutions beginning
21 in certain academic year from requiring certain
22 students to be vaccinated against hepatitis B,
23 measles, mumps and rubella; removing certain
24 exemption; removing certain requirement for
25 notification; allowing an institution to request
26 certain written documentation; creating a misdemeanor
27 for certain employee who coerces or influences
28 certain student to receive certain vaccinations;
29 removing language regarding certain exceptions;
30 prohibiting certain institutions from requiring
31 students to receive any vaccination or undergo
32 certain procedures; providing for codification;
33 providing an effective date; and declaring an
34 emergency.

35 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3243, is

2 amended to read as follows:

3 Section 3243. A. Beginning with the 2004-2005 academic year,
4 public or private postsecondary educational institutions shall
5 provide detailed information on the risks associated with
6 meningococcal disease and the risks and benefits of the vaccination
7 as well as the availability of vaccine to students who reside or
8 plan to reside in on-campus student housing.

9 B. Beginning with the ~~2004-2005~~ 2021-2022 academic year, no
10 public or private postsecondary educational institution shall
11 require students who are first-time enrollees in any public or
12 private postsecondary educational institution in this state and who
13 reside in on-campus student housing ~~shall~~ to be vaccinated against
14 meningococcal disease, ~~unless:~~

15 ~~1. In the case of an individual who is eighteen (18) years of~~
16 ~~age or older, the individual signs a written waiver provided by the~~
17 ~~institution of higher education stating that the individual has~~
18 ~~received and reviewed the information provided and has chosen not to~~
19 ~~be vaccinated against meningococcal disease; or~~

20 ~~2. In the case of an individual who is a minor, the~~
21 ~~individual's parent or guardian signs a written waiver provided by~~
22 ~~the institution of higher education stating that the parent or~~
23 ~~guardian has received and reviewed the information provided and has~~

1 ~~chosen not to have the individual vaccinated against meningococcal~~
2 ~~disease.~~

3 C. The Oklahoma State Regents for Higher Education shall
4 consult the State Department of Health regarding the preparation of
5 the informational material ~~and waiver form~~ required in subsection ~~B~~
6 A of this section. The Regents shall provide the material ~~and form~~
7 to all public or private postsecondary educational institutions with
8 on-campus student housing in this state. It shall be the
9 responsibility of the governing body or board of regents for each
10 public or private postsecondary institution or group of institutions
11 to adopt policies for the implementation of this section.

12 D. A public or private postsecondary institution may request
13 that an enrolled student submit written documentation of whether the
14 student has been vaccinated against meningococcal disease.

15 E. Any employee of a public or private postsecondary
16 educational institution who coerces or in any way influences a
17 student enrolled in the institution to receive a vaccination against
18 meningococcal disease shall be guilty of a misdemeanor.

19 F. Public or private postsecondary institutions in this state
20 shall not be required to provide or pay for vaccinations against
21 meningococcal disease.

22 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3244, is
23 amended to read as follows:

1 Section 3244. A. ~~1.~~ Beginning with the ~~2004-2005~~ 2021-2022
2 academic year, ~~in order to enroll as a full-time or part-time~~
3 ~~student in an~~ no institution within The Oklahoma State System of
4 Higher Education or a private institution of higher learning located
5 within this state and accredited pursuant to Section 4103 of ~~Title~~
6 ~~70 of the Oklahoma Statutes,~~ an individual this title shall ~~provide~~
7 ~~written documentation of vaccinations~~ require that enrolled full-
8 time or part-time students be vaccinated against hepatitis B,
9 measles, mumps, and rubella (MMR).

10 ~~2. The requirement shall not apply to students enrolling in~~
11 ~~courses delivered via the Internet or distance learning in which the~~
12 ~~student is not required to attend class on campus.~~

13 B. Beginning with the 2004-2005 academic year, institutions
14 shall ~~notify students of the requirements of subsection A of this~~
15 ~~section and~~ provide students with educational information on
16 hepatitis B, measles, mumps, and rubella (MMR) upon enrollment.
17 Such information shall also include the risks and benefits of the
18 vaccination. Institutions shall not be required to provide or pay
19 for vaccinations against hepatitis B, measles, mumps, and rubella
20 (MMR).

21 C. ~~A written statement from a licensed physician indicating~~
22 ~~that a vaccine is medically contraindicated shall exempt a student~~
23 ~~from the vaccination. A student shall be exempt from the~~
24 ~~vaccination if the student submits a written, signed statement~~

1 ~~declaring that the administration of the vaccine conflicts with the~~
2 ~~student's moral or religious tenets or, if the student is a minor,~~
3 ~~the student's parent or guardian provides a written statement that~~
4 ~~the administration of the vaccine conflicts with the parent's or~~
5 ~~guardian's moral or religious tenets~~ A public or private
6 postsecondary institution may request that an enrolled student
7 submit written documentation of whether the student has been
8 vaccinated against hepatitis B, measles, mumps and rubella (MMR).

9 D. Any employee of a public or private postsecondary
10 educational institution who coerces or in any way influences a
11 student enrolled in the institution to receive a vaccination against
12 hepatitis B, measles, mumps and rubella (MMR) shall be guilty of a
13 misdemeanor.

14 ~~D.~~ E. It shall be the responsibility of the governing body or
15 board of regents for each public or private postsecondary
16 institution or group of institutions to adopt policies for the
17 implementation of this section. ~~In adopting these policies the~~
18 ~~relevant governing body or board of regents may include exceptions~~
19 ~~for certain categories of students at its discretion.~~

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3244.1 of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

23 No institution within The Oklahoma State System of Higher
24 Education or a private institution of higher learning located within

1 this state and accredited pursuant to Section 4103 of Title 70 of
2 the Oklahoma Statutes shall require that enrolled full-time or part-
3 time students receive any vaccination, be required to use any
4 medical device or be required to undergo any medical procedure,
5 surgical procedure or physical examination.

6 SECTION 4. This act shall become effective July 1, 2021.

7 SECTION 5. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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