

1 **SENATE FLOOR VERSION**

2 February 9, 2021

3 **AS AMENDED**

4 SENATE BILL NO. 707

5 By: McCortney

6
7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 1210.191, which relates to required
9 immunizations; setting deadline for presentation of
10 certain certification or certificate of exemption;
11 allowing attendance of school during certain period;
12 prohibiting attendance of school under certain
13 conditions; specifying applicability of section;
14 updating term; providing an effective date; and
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1210.191, is
18 amended to read as follows:

19 Section 1210.191. A. ~~No minor child shall be admitted to any
20 public, private, or parochial school operating in this state unless
21 and until certification is presented to the appropriate school
22 authorities~~

23 1. The parent or legal guardian of a minor child shall have
24 thirty (30) calendar days following the first day of the school year
to present:

1 a. certification from a licensed physician, or authorized
2 representative of the State Department of Health, that
3 such child has received or is in the process of
4 receiving, immunizations against diphtheria,
5 pertussis, tetanus, haemophilus influenzae type B
6 (HIB), measles (rubeola), rubella, poliomyelitis,
7 varicella⁷ and hepatitis A or is likely to be immune
8 as a result of the disease, or

9 b. a valid certificate of exemption as provided by
10 Section 1210.192 of this title

11 to the appropriate school authorities of the minor child's school.

12 The minor child may attend school during this thirty-day period.

13 2. If after the thirty-day period the certification required by
14 subparagraph a of paragraph 1 of this subsection or valid
15 certificate of exemption required by subparagraph b of paragraph 1
16 of this subsection has not been submitted, the minor child shall not
17 be admitted to the school and shall not be allowed to return to the
18 school until the parent or legal guardian presents such
19 certification or valid certificate of exemption.

20 3. This section shall apply to any public, private or parochial
21 school operating in this state.

22 B. Immunizations required, and the manner and frequency of
23 their administration, as prescribed by the State ~~Board~~ Commissioner
24 of Health, shall conform to recognized standard medical practices in

1 the state. The State Department of Health shall supervise and
2 secure the enforcement of the required immunization program. The
3 State Department of Education and the governing boards of the school
4 districts of this state shall render reasonable assistance to the
5 State Department of Health in the enforcement of the provisions
6 hereof.

7 C. The ~~State Board of Health~~ Commissioner, by rule, may alter
8 the list of immunizations required after notice and hearing. Any
9 change in the list of immunizations required shall be submitted to
10 the next regular session of the Legislature and such change shall
11 remain in force and effect unless and until a concurrent resolution
12 of disapproval is passed. Hearings shall be conducted by the ~~State~~
13 ~~Board of Health~~ Commissioner, or such officer, agents or employees
14 as the ~~Board of Health~~ Commissioner may designate for that purpose.
15 The ~~State Board of Health~~ Commissioner shall give appropriate notice
16 of the proposed change in the list of immunizations required and of
17 the time and place for hearing. The change shall become effective
18 on a date fixed by the ~~State Board of Health~~ Commissioner. Any
19 change in the list of immunizations required may be amended or
20 repealed in the same manner as provided for its adoption.
21 Proceedings pursuant to this subsection shall be governed by the
22 Administrative Procedures Act.

23 D. The State Department of Education and the governing boards
24 of the school districts of this state shall provide for release to

1 the Oklahoma Health Care Authority of the immunization records of
2 school children covered under Title XIX or Title XXI of the federal
3 Social Security Act who have not received the required immunizations
4 at the appropriate time. The information received pursuant to such
5 release shall be transmitted by the Oklahoma Health Care Authority
6 to medical providers who provide services to such children pursuant
7 to Title XIX or Title XXI to assist in their efforts to increase the
8 rate of childhood immunizations pursuant to the requirements of the
9 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)
10 services provisions. The provisions of this subsection shall not be
11 construed to prohibit or affect the eligibility of any child to
12 receive benefits pursuant to Title XIX or Title XXI of the Social
13 Security Act or to require the immunization of any child if such
14 child is exempt from the immunization requirements pursuant to law.
15 The name of any child exempt from immunization pursuant to Section
16 1210.192 of this title shall not be included in the information
17 transmitted pursuant to this subsection.

18 SECTION 2. This act shall become effective July 1, 2021.

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
24 February 9, 2021 - DO PASS AS AMENDED