

**A-Engrossed**  
**Senate Bill 895**

Ordered by the Senate April 27  
Including Senate Amendments dated April 27

Sponsored by Senators STEINER HAYWARD, BATES, THOMSEN; Senators HASS, MONNES ANDERSON, MONROE, ROBLAN, SHIELDS

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires schools and children's facilities to make available certain information related to immunizations.

Directs Superintendent of Public Instruction to include certain information related to immunizations on school district and school performance reports.

**Makes certain provisions relating to immunization apply to all children attending school or children's facility during or after 2015-2016 school year.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to child immunizations; creating new provisions; amending ORS 329.105, 433.269 and  
3 433.273; repealing section 4, chapter 516, Oregon Laws 2013; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 433.269 is amended to read:

6 433.269. (1) Local health departments shall make [*available immunizations to be administered*]  
7 **immunizations available for administration** under the direction of [*the*] a local health officer in  
8 convenient areas and at convenient times. [*No person shall be refused service because of inability to*  
9 *pay.*] **A local health department may not refuse to administer an immunization to a person**  
10 **because the person is unable to pay for the immunization.**

11 (2)(a) [*The*] **Each** local health department [*and all schools and children's facilities*], **school and**  
12 **children's facility** shall report annually to the Oregon Health Authority on:

13 (A) The number of children in the area served by **the local health department, school or**  
14 **children's facility** [*and*]; **and**

15 (B) The number of children **in the area served by the local health department, school or**  
16 **children's facility** who are susceptible to restrictable disease as prescribed by the authority's rules  
17 pursuant to ORS 433.273.

18 (b) **Each school and children's facility shall report annually to the authority on the**  
19 **number of children in the area served by the school or children's facility who are in attend-**  
20 **ance at the school or children's facility conditionally because of an incomplete immunization**  
21 **schedule.**

22 (c) **Each local health department shall make available to each school and children's fa-**  
23 **ility in the area served by the local health department data on the immunization rate, by**  
24 **disease, of children in the area. Upon request, the authority shall assist local health depart-**  
25 **ments in compiling data for purposes of this paragraph.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (d) A child exempted under ORS 433.267 [*shall be considered to be*] is susceptible[,] to  
2 restrictable disease for purposes of this subsection.

3 (3)(a) For the purpose of providing parents with the information necessary to protect  
4 their children's health, each school and children's facility shall make available the informa-  
5 tion reported and received by the school and children's facility pursuant to subsection (2) of  
6 this section:

7 (A) At the main office of the school or children's facility;

8 (B) On the school's or school district's website or on the children's facility's website, if  
9 available; and

10 (C) To the parents of the children who attend the school or children's facility, in the form  
11 of a paper document or electronic communication that includes the information in a clear  
12 and easy to understand manner.

13 (b) The information required to be made available under paragraph (a) of this subsection  
14 must be made available at the beginning of each school year and not later than one month  
15 after the date that children may be excluded as provided by ORS 433.267.

16 [(3)] (4) The administrator of a school or children's facility shall maintain immunization re-  
17 cords of children, including children who are in attendance at the school or children's facility  
18 conditionally because of an incomplete immunization [*schedules*] schedule and children who are  
19 exempted [*under*] as described in ORS 433.267 (1)(b) and (c).

20 **SECTION 2.** ORS 433.273 is amended to read:

21 433.273. The Oregon Health Authority shall adopt rules pertaining to the implementation of ORS  
22 433.235 to 433.284, which shall include, but need not be limited to:

23 (1) The definition of "restrictable" disease;

24 (2) The required immunization against diseases[, *including rubella, considered to be dangerous to*  
25 *the public health under ORS 433.267*];

26 (3) The time schedule for immunization;

27 (4) The approved means of immunization;

28 (5) The procedures and time schedule whereby children may be excluded from attendance in  
29 schools or [*facilities, including*] children's facilities under ORS 433.267 (1)(b) and (c), provided  
30 that the authority includes as part of those procedures service of notice to parents;

31 (6) The manner in which immunization records for children are established, evaluated and  
32 maintained;

33 (7) [*The exempted*] Exemptions for schools and children's facilities[.], including exemptions  
34 from the reporting requirements of ORS 433.269 (2) and exemptions from the requirement  
35 under ORS 433.269 (3) to make information available;

36 (8) The implementation of ORS 433.282 and 433.283;

37 (9) The process for approving a vaccine educational module;

38 (10) Criteria for a vaccine educational module, including the requirement that a vaccine educa-  
39 tional module present information that is consistent with information published by the Centers for  
40 Disease Control and Prevention concerning:

41 (a) Epidemiology;

42 (b) The prevention of disease through the use of vaccinations; and

43 (c) The safety and efficacy of vaccines; and

44 (11) Documentation required to verify completion of a vaccine educational module, including the  
45 qualifications of persons who may certify the completion.

1       **SECTION 3.** ORS 329.105 is amended to read:

2       329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual  
3 school district and school performance reports to provide information to parents and to improve  
4 schools.

5       (2) The superintendent shall include in the school district and school performance reports data  
6 for the following areas, for each school or district, that are available to the Department of Educa-  
7 tion from the most recent school year:

8       (a) Data required by the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425);

9       (b) Information about how to access the website that is maintained by the State Department of  
10 Geology and Mineral Industries as provided by ORS 516.030 (6)(b); *[and]*

11       **(c) Information related to the number of children served in the district and the number**  
12 **of children who are susceptible to restrictable disease, as reported under ORS 433.269 (2)(a);**  
13 **and**

14       *[(c)]* **(d)** Any other data identified by the Department of Education as required by federal law  
15 to be in the reports.

16       (3) In addition to the data required by subsection (2) of this section, the superintendent may  
17 include other data on the school district and school performance reports.

18       (4) The department shall work with stakeholders to:

19       (a) Design and implement an accountability system of progressive interventions for schools and  
20 school districts that do not demonstrate improvement; and

21       (b) Provide technical assistance to schools and school districts that do not demonstrate im-  
22 provement.

23       **SECTION 4. Section 4, chapter 516, Oregon Laws 2013, is repealed.**

24       **SECTION 5. (1) Except as provided in rules adopted pursuant to ORS 433.273 (7), each**  
25 **local health department, school and children's facility must first make available information**  
26 **as required by ORS 433.269, as amended by section 1 of this 2015 Act, during the 2015-2016**  
27 **school year.**

28       **(2) The amendments to ORS 329.105 by section 3 of this 2015 Act first apply to the annual**  
29 **reports produced for the 2015-2016 school year.**

30       **(3) ORS 433.267, as amended by section 1, chapter 516, Oregon Laws 2013, applies to all**  
31 **children attending a school or children's facility during or after the 2015-2016 school year.**

32       **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**  
33 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
34 **on its passage.**