

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2170

By: West (Kevin)

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Section 1210.191, which relates to school immunizations; deleting rulemaking process to alter immunization list; requiring recommended changes to the list be submitted to the Legislature for approval; prohibiting adoption prior to Legislative approval; requiring changes to follow specified process; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 1210.191, is amended to read as follows:

Section 1210.191 A. No minor child shall be admitted to any public, private, or parochial school operating in this state unless and until certification is presented to the appropriate school authorities from a licensed physician, or authorized representative of the State Department of Health, that such child has received or is in the process of receiving, immunizations against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles

1 (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is
2 likely to be immune as a result of the disease.

3 B. Immunizations required, and the manner and frequency of
4 their administration, as prescribed by the State Commissioner of
5 Health, shall conform to recognized standard medical practices in
6 the state. The State Department of Health shall supervise and
7 secure the enforcement of the required immunization program. The
8 State Department of Education and the governing boards of the school
9 districts of this state shall render reasonable assistance to the
10 State Department of Health in the enforcement of the provisions
11 hereof.

12 C. ~~The Commissioner, by rule, may alter the list of~~
13 ~~immunizations required after notice and hearing.~~ Any recommended
14 change in the list of immunizations required shall be proposed by
15 the Commissioner and submitted to the next regular session of the
16 Legislature and such change shall ~~remain in force and effect~~ not be
17 adopted or required unless and until a concurrent resolution of
18 ~~disapproval~~ approval is passed by the Legislature. Hearings to
19 recommend a change in the list of immunizations shall be conducted
20 by the Commissioner, or such officer, agents or employees as the
21 Commissioner may designate for that purpose. The Commissioner shall
22 give appropriate notice of the ~~proposed~~ recommended change in the
23 list of immunizations required and of the time and place for
24 hearing. ~~The~~ Upon approval by the Legislature, the change shall

1 become effective on a date fixed by the Commissioner. Any change in
2 the list of immunizations required ~~may~~ shall be amended or repealed
3 in the same manner as provided for its adoption. Proceedings
4 pursuant to this subsection shall be governed by the Administrative
5 Procedures Act.

6 D. The State Department of Education and the governing boards
7 of the school districts of this state shall provide for release to
8 the Oklahoma Health Care Authority of the immunization records of
9 school children covered under Title XIX or Title XXI of the federal
10 Social Security Act who have not received the required immunizations
11 at the appropriate time. The information received pursuant to such
12 release shall be transmitted by the Oklahoma Health Care Authority
13 to medical providers who provide services to such children pursuant
14 to Title XIX or Title XXI to assist in their efforts to increase the
15 rate of childhood immunizations pursuant to the requirements of the
16 Early and Periodic Screening, Diagnosis and Treatment (EPSDT)
17 services provisions. The provisions of this subsection shall not be
18 construed to prohibit or affect the eligibility of any child to
19 receive benefits pursuant to Title XIX or Title XXI of the Social
20 Security Act or to require the immunization of any child if such
21 child is exempt from the immunization requirements pursuant to law.
22 The name of any child exempt from immunization pursuant to Section
23 1210.192 of this title shall not be included in the information
24 transmitted pursuant to this subsection.

1 E. The State Department of Education shall provide and ensure
2 that each school district in this state provides, on the school
3 district website and in any notice or publication provided to
4 parents regarding immunization requests, the following information
5 regarding immunization requirements for school attendance: "For
6 school enrollment, a parent or guardian shall provide one of the
7 following:

- 8 1. Current, up-to-date immunization records; or
- 9 2. A completed and signed exemption form."

10 SECTION 2. This act shall become effective November 1, 2023.

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