

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1043

By: Representative Brown

For An Act To Be Entitled

AN ACT TO MODIFY THE IMMUNIZATION AND VACCINE REQUIREMENTS FOR STUDENTS IN ELEMENTARY AND SECONDARY EDUCATION; TO REMOVE IMMUNIZATION EXEMPTIONS FOR RELIGIOUS AND PHILOSOPHICAL BELIEFS; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY THE IMMUNIZATION AND VACCINE REQUIREMENTS FOR STUDENTS IN ELEMENTARY AND SECONDARY EDUCATION; AND TO REMOVE IMMUNIZATION EXEMPTIONS FOR RELIGIOUS AND PHILOSOPHICAL BELIEFS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-702 is amended to read as follows:
6-18-702. Immunization.

(a) Except as otherwise provided by law, ~~ne~~ an infant or child shall not be admitted to a public or private school or child care facility of this state ~~who has not~~ unless he or she has been age-appropriately immunized from poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles, rubella, hepatitis B, rotavirus, pneumococcus, haemophilus, hepatitis A, and other diseases as designated by the State Board of Health, as evidenced by a certificate of a licensed physician or a public health department acknowledging the immunization.

(b)(1) The responsibility for the enforcement of this section rests equally with each school district of this state and the parent or guardian of



the child or pupil, and each of them shall be separately and individually liable for permitting any violation of this section.

(2)(A) The Division of Child Care and Early Childhood Education of the Department of Human Services shall be responsible for enforcing this section with respect to child care facilities.

(B) The division may promulgate appropriate rules and regulations, to be approved by the Arkansas Early Childhood Commission, for the enforcement of this section.

(C) The owners or managers of those facilities and any parent or guardian violating the regulations shall be subject to the penalties provided in the Child Care Facility Licensing Act, § 20-78-201 et seq.

(c)(1)(A)(i) The division shall be responsible for enforcing this section with respect to child care facilities.

(ii) The division may promulgate appropriate rules and regulations for the enforcement of this section.

(B) The owners or managers of those facilities and any parent or guardian violating the regulations shall be subject to the penalties provided in the Child Care Facility Licensing Act, § 20-78-201 et seq.

(2)(A) Regarding kindergarten through grade twelve (K-12), the State Board of Education, after having consulted with the State Board of Health, shall promulgate appropriate rules and regulations for the enforcement of this section by school district boards of directors, superintendents, and principals.

(B) Any school official, parent, or guardian violating the regulations shall be subject to the penalties imposed in this section.

(d)(1)(A) The State Board of Health shall promulgate rules and regulations to ensure that ~~all exemptions~~ an exemption provided by this section shall have a minimal effect on the health and safety of all children attending day care or kindergarten through grade twelve (K-12).

(B) The rules shall provide for, but are not limited to, the tracking of those children with exemptions so that appropriate steps may be taken in the event of an outbreak or epidemic.

(2) The Department of Health, and no other department or entity, shall grant exemptions provided by this section.

(3) If, in the discretion of the health authority having jurisdiction, ~~or of any physician licensed to practice by the Arkansas State Medical Board~~ any person to whom this section applies shall be deemed to have a physical disability that may contraindicate vaccination, a certificate to that effect issued by the health officer may be accepted in lieu of a certificate of vaccination, provided that the exemption shall not apply when the disability shall have been removed.

~~(4)(A) This section shall not apply if the parents or legal guardian of that child object thereto on the grounds that immunization conflicts with the religious or philosophical beliefs of the parent or guardian.~~

~~(B) The parents or legal guardian of the child shall complete an annual application process developed in the rules and regulations of the Department of Health for medical, religious, and philosophical exemptions.~~

~~(C) The rules and regulations developed by the Department of Health for medical, religious, and philosophical exemptions shall include, but not be limited to:~~

~~(i) A notarized statement requesting a religious, philosophical, or medical exemption from the Department of Health by the parents or legal guardian of the child regarding the objection;~~

~~(ii) Completion of an educational component developed by the Department of Health that includes information on the risks and benefits of vaccination;~~

~~(iii) An informed consent from the parents or guardian that shall include a signed statement of refusal to vaccinate based on the Department of Health's refusal to vaccinate form; and~~

~~(iv) A signed statement of understanding that:~~

~~(a) At the discretion of the Department of Health, the unimmunized child or individual may be removed from day care or school during an outbreak if the child or individual is not fully vaccinated; and~~

~~(b) The child or individual shall not return to school until the outbreak has been resolved and the Department of Health approves the return to school.~~

~~(D) No exemptions may be granted under this subdivision~~

~~(d)(4) until the application process has been implemented by the Department of Health and completed by the applicant.~~

~~(5)(4)~~ Furthermore, the provisions of this section requiring pertussis vaccination shall not apply to any child with a sibling, either whole blood or half blood, who has had a serious adverse reaction to the pertussis antigen, which reaction resulted in a total permanent disability.

(e) Any person found guilty of violating this section or the regulations promulgated by the State Board of Education or the division for the enforcement of this section shall be guilty of a violation and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for each offense.