

# House Bill 308 – Changes to Utah Immunization Law

## Effective July 1, 2018

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### **Conditional Enrollment and Non-compliance**

Beginning July 1, 2018, a student may not attend a school, unless the school receives an immunization record from the legally responsible individual of the student, the student's former school, or a statewide registry. The record must show the student: 1) has received each vaccination required by the Utah Department of Health under Section 53A-11-303; 2) has immunity against the disease as documented by a healthcare provider for any required vaccination that the student has not received; 3) is exempt from receiving the vaccination under Section 53A-11-302; 4) qualifies for conditional enrollment under Section 53A-11-306; or 5) complies with the immunization requirements for military children under Section 53A-1-1001.

Schools must request an immunization record for each student at the time the student enrolls in school. Within five business days after the day a student enrolls in a school, an individual designated by the school principal or administrator must review each student's immunization record to determine whether the record complies with the requirements and identify any deficiencies in the student's immunization record. If the school has not received a student's immunization record or there are deficiencies in the immunization record, the school must place the student on conditional enrollment.

Within five days after the day that the school places the student on conditional enrollment, schools must provide a written notice to the student's legally responsible individual in-person or by mail. The notice must identify deficiencies in the student's immunization record, if there are any, and request the missing required immunization records.

Students who have not provided a school with a complete immunization record may attend school on a conditional enrollment status. Conditional enrollment is defined as 21 calendar days after the day the school provides written notice to the student's legally responsible individual, in-person or by mail.

At the end of the conditional enrollment period, students who do not comply with the conditional enrollment rule must be prohibited (suspended for non-compliance) from attending the school until they provide proper documentation of immunization records to school.

A school principal or administrator may grant additional extension of the conditional enrollment period for a time period medically recommended to complete all required vaccination dosages. A student is considered "medically conditional enrolled" if the student has received all currently due vaccines and is not due for the next dose. Additional extension of the conditional enrollment period may also be granted under extenuating circumstances, if the school principal or administrator and a school nurse, a health official, or a health official designee agree that an additional extension will likely lead to compliance during the additional extension period.

### **Exemptions from Required Immunizations**

The process for claiming a medical, religious, or personal exemption has changed. To receive a vaccination exemption form, the legally responsible individual of a student must complete an online education module (free of charge), print the vaccine exemption form, and present the form to the school. If the legally responsible individual declines to complete the online education module, he/she must receive an in-person consultation at the local health department (\$25.00 fee may apply), sign

the exemption form at the local health department, and provide a copy of the completed school immunization exemption form to the school official.

For a medical exemption from vaccination, the legally responsible individual of the student must present to the school a completed vaccination exemption form and a written notice signed by a licensed healthcare provider stating that due to the physical condition of the student, administration of the vaccine would endanger the student's life or health.

A copy of the signed exemption form must be attached to the Utah School Immunization Record and filed in the student cumulative folder. The on-line educational module will be available on the Utah Immunization Program website on July 1, 2018.

### **Immunity Against the Disease from the Required Vaccination**

HB 308 Section 53-A-301 requires that students claiming immunity against a disease for which vaccination is required because the student previously contracted the disease must submit a document signed by a healthcare provider to the school as proof of immunity.

Parents are no longer required to sign the Utah School Immunization Record for history of chickenpox disease verification or any other diseases. Schools must attach the immunity document from the provider to the Utah School Immunization Record.

### **Maintaining a List of Students' Immunization Status**

HB 308 Section 53A-11-307 requires schools to maintain a current list of all enrolled students, including students: 1) who have a valid and complete immunization record, 2) who are exempt from receiving the required vaccines, and 3) who are allowed to attend school under conditional enrollment status. This list must be available upon request from a local health department in the event of a disease outbreak so that the school principal or administrator, in conjunction with the local health department, can take appropriate actions to protect students. Names appearing on the list are subject to confidentiality requirements. The law will provide the necessary authority to schools, after obtaining approval from the local health department, to protect non-immune students by preventing them from attending school, provide a separate educational environment for non-immune students, and protect the remainder of the student body.

### **Definitions**

HB 308 Section 53A-11-300.5 defines a "legally responsible individual" as: 1) a student's parent, 2) the student's legal guardian; 3) an adult brother or sister of a student who has no legal guardian; or 4) the student, if the student is an adult or is a minor who may consent to treatment under Section 26-10-9. "School" means any public or private: elementary or secondary school; preschool; childcare program; nursery school; or kindergarten. "Student" means an individual who attends a school.

For detailed information on the changes resulting from HB 308, visit:  
<https://le.utah.gov/~2017/bills/hbillenr/HB0308.pdf>

