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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 168

January 16, 2007

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The bill was read for the first time and referred to the Committee on E-12 Education

February 5, 2007

By motion, recalled and re-referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to early childhood; requiring annual influenza immunizations for
1.3 children in a child care facility; amending Minnesota Statutes 2006, section
1.4 121A.15, subdivisions 1, 3, 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 121A.15, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. **School and child care facility immunization requirements.** (a)

1.9 Except as provided in subdivisions 3, 4, and 10, no person over two months old may
1.10 be allowed to enroll or remain enrolled in any elementary or secondary school or child
1.11 care facility in this state until the person has submitted to the administrator or other
1.12 person having general control and supervision of the school or child care facility, one of
1.13 the following statements:

1.14 (1) a statement from a physician or a public clinic which provides immunizations
1.15 stating that the person has received immunization, consistent with medically acceptable
1.16 standards, against measles after having attained the age of 12 months, rubella, diphtheria,
1.17 tetanus, pertussis, polio, mumps, haemophilus influenza type b, and hepatitis B; or

1.18 (2) a statement from a physician or a public clinic which provides immunizations
1.19 stating that the person has received immunizations, consistent with medically acceptable
1.20 standards, against measles after having attained the age of 12 months, rubella, mumps,
1.21 and haemophilus influenza type b and that the person has commenced a schedule of
1.22 immunizations for diphtheria, tetanus, pertussis, polio, and hepatitis B and which indicates
1.23 the month and year of each immunization received.

2.1 (b) Except as provided in subdivisions 3 and 4, no person who is at least six months
 2.2 old may enroll or remain enrolled in a child care facility in this state unless the person
 2.3 submits to the administrator or other person having general control and supervision of
 2.4 the child care facility, an annual statement from a physician or a public clinic which
 2.5 provides immunizations stating that the person has received immunization, consistent with
 2.6 medically acceptable standards, against influenza during the immediately prior August 1
 2.7 through February 1 time period.

2.8 Sec. 2. Minnesota Statutes 2006, section 121A.15, subdivision 3, is amended to read:

2.9 Subd. 3. **Exemptions from immunizations.** (a) If a person is at least seven years
 2.10 old and has not been immunized against pertussis, the person must not be required to
 2.11 be immunized against pertussis.

2.12 (b) If a person is at least 18 years old and has not completed a series of
 2.13 immunizations against poliomyelitis, the person must not be required to be immunized
 2.14 against poliomyelitis.

2.15 (c) If a statement, signed by a physician, is submitted to the administrator or
 2.16 other person having general control and supervision of the school or child care facility
 2.17 stating that an immunization is contraindicated for medical reasons or that laboratory
 2.18 confirmation of the presence of adequate immunity exists, the immunization specified in
 2.19 the statement need not be required.

2.20 (d) If a notarized statement signed by the minor child's parent or guardian or by the
 2.21 emancipated person is submitted to the administrator or other person having general
 2.22 control and supervision of the school or child care facility stating that the person has
 2.23 not been immunized as prescribed in subdivision 1 because of the conscientiously held
 2.24 beliefs of the parent or guardian of the minor child or of the emancipated person, the
 2.25 immunizations specified in the statement shall not be required. This statement must also
 2.26 be forwarded to the commissioner of the Department of Health.

2.27 (e) If the person is under 15 months, the person is not required to be immunized
 2.28 against measles, rubella, or mumps.

2.29 (f) If the person is under six months old, the person is not required to be immunized
 2.30 against influenza.

2.31 ~~(f)~~ (g) If a person is at least five years old and has not been immunized against
 2.32 haemophilus influenza type b, the person is not required to be immunized against
 2.33 haemophilus influenza type b.

2.34 ~~(g)~~ (h) If a person who is not a Minnesota resident enrolls in a Minnesota
 2.35 school online learning course or program that delivers instruction to the person only

3.1 by computer and does not provide any teacher or instructor contact time or require
3.2 classroom attendance, the person is not subject to the immunization, statement, and other
3.3 requirements of this section.

3.4 Sec. 3. Minnesota Statutes 2006, section 121A.15, subdivision 4, is amended to read:

3.5 Subd. 4. **Substitute immunization statement.** (a) A person who is enrolling
3.6 or enrolled in an elementary or secondary school or child care facility may substitute
3.7 a statement from the emancipated person or a parent or guardian if the person is a
3.8 minor child in lieu of the statement from a physician or public clinic which provides
3.9 immunizations. If the statement is from a parent or guardian or emancipated person, the
3.10 statement must indicate the month and year of each immunization given.

3.11 (b) In order for the statement to be acceptable for a person who is enrolling in
3.12 an elementary school and who is six years of age or younger, it must indicate that
3.13 the following was given: no less than one dose of vaccine each for measles, mumps,
3.14 and rubella given separately or in combination; no less than four doses of vaccine for
3.15 poliomyelitis, unless the third dose was given after the fourth birthday, then three doses
3.16 are minimum; no less than five doses of vaccine for diphtheria, tetanus, and pertussis,
3.17 unless the fourth dose was given after the fourth birthday, then four doses are minimum;
3.18 and no less than three doses of vaccine for hepatitis B.

3.19 (c) In order for the statement to be consistent with subdivision 10 and acceptable for
3.20 a person who is enrolling in an elementary or secondary school and is age seven through
3.21 age 19, the statement must indicate that the person has received no less than one dose of
3.22 vaccine each for measles, mumps, and rubella given separately or in combination, and no
3.23 less than three doses of vaccine for poliomyelitis, diphtheria, tetanus, and hepatitis B.

3.24 (d) In order for the statement to be acceptable for a person who is enrolling in a
3.25 secondary school, and who was born after 1956 and is 20 years of age or older, the
3.26 statement must indicate that the person has received no less than one dose of vaccine each
3.27 for measles, mumps, and rubella given separately or in combination, and no less than one
3.28 dose of vaccine for diphtheria and tetanus within the preceding ten years.

3.29 (e) In order for the statement to be acceptable for a person who is enrolling in a
3.30 child care facility and who is at least six months old, it must indicate that the person has
3.31 received an annual immunization for influenza.

3.32 ~~(e)~~ (f) In order for the statement to be acceptable for a person who is enrolling in a
3.33 child care facility and who is at least 15 months old but who has not reached five years
3.34 of age, it must indicate that the following were given: no less than one dose of vaccine
3.35 each for measles, mumps, and rubella given separately or in combination; no less than one

4.1 dose of vaccine for haemophilus influenza type b; no less than four doses of vaccine for
4.2 diphtheria, tetanus, and pertussis; and no less than three doses of vaccine for poliomyelitis.

4.3 ~~(f)~~ (g) In order for the statement to be acceptable for a person who is enrolling in a
4.4 child care facility and who is five or six years of age, it must indicate that the following
4.5 was given: no less than one dose of vaccine each for measles, mumps, and rubella given
4.6 separately or in combination; no less than four doses of vaccine for diphtheria, tetanus,
4.7 and pertussis; and no less than three doses of vaccine for poliomyelitis.

4.8 ~~(g)~~ (h) In order for the statement to be acceptable for a person who is enrolling in a
4.9 child care facility and who is seven years of age or older, the statement must indicate that
4.10 the person has received no less than one dose of vaccine each for measles, mumps, and
4.11 rubella given separately or in combination and consistent with subdivision 10, and no less
4.12 than three doses of vaccine for poliomyelitis, diphtheria, and tetanus.

4.13 ~~(h)~~ (i) The commissioner of health, on finding that any of the above requirements are
4.14 not necessary to protect the public's health, may suspend for one year that requirement.