

House File 163
Human Resources
Newhard, chair
Schroeder
Cusack
Tofte
Garrison

Do pass per 3880 4/19 (p. 1122)

1977

RESOURCES *Do pass 4/4 (1252)*

HOUSE FILE 163

By CUSACK

Passed House, Date 4-12-77 (p. 1327) Passed Senate, Date 4-25-77 (p. 1175)

Vote: Ayes 85 Nays 6 Vote: Ayes 47 Nays 0

Approved July 13, 1977

*Repassed House as amended by Senate
5-6-77 (p. 1970)
77-7*

A BILL FOR

1 An Act relating to the immunization of persons attending ele-
2 mentary or secondary schools or licensed child care centers
3 and to the authority of the state department of health to
4 modify immunization requirements for admission to school.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6

HOUSE FILE 163

H-3555

1 Amend H. F. 163 as follows:
2 1. Page 1, line 21, by inserting after the word
3 "center" the words:
4 ", but only after such immunizations have been proven
5 to be safe and effective for a period of five (5)
6 years".

H-3555 FILED, LOST (p. 1324) BY GENTLEMAN of Polk
APRIL 12, 1977

HOUSE FILE 163

H-3557

1 Amend the amendment H-3555 to House File 163
2 as follows:
3 1. Page 1, line 4, by inserting after the word
4 "after" the words "serums used in".

H-3557 FILED, ADOPTED BY BY BAKER of Buena Vista
UNANIMOUS CONSENT (p. 1324)
APRIL 12, 1977

22
23
24
25

11.2

1 Section 1. Chapter one hundred thirty-nine (139), Code
2 1977, is amended by adding the following new section:

3 NEW SECTION. IMMUNIZATION.

4 1. Every parent or legal guardian shall assure that his
5 or her minor children residing in the state have been
6 adequately immunized against diphtheria, pertussis, tetanus,
7 poliomyelitis, rubeola, and rubella according to
8 recommendations provided by the state department of health
9 subject to the provisions of subsections three (3) and four
10 (4) of this section.

11 2. No person shall be enrolled in any licensed child care
12 center, elementary or secondary school in Iowa without evidence
13 of adequate immunization against diphtheria, pertussis, tetanus,
14 poliomyelitis, rubeola, and rubella, except as provided in
15 subsections three (3) and four (4) of this section.

16 3. Subject to the provision of subsection four (4) of
17 this section the state board of health may modify or delete
18 any of the immunizations in subsection one (1) of this section
19 or may require immunizations against additional diseases as
20 a requirement for enrollment in an elementary or secondary
21 school or a licensed child care center.

22 4. Immunization is not required for a person's enrollment
23 in any elementary or secondary school or licensed child care
24 center if that person submits to the admitting official either
25 of the following:

26 a. A statement signed by a doctor, who is licensed by
27 the state board of medical examiners, in which it is stated
28 that, in the doctor's opinion, the immunizations required
29 would be injurious to the health and well-being of the
30 applicant or any member of the applicant's family or household;
31 or

32 b. An affidavit signed by the applicant or, if a minor,
33 by a legally authorized representative, stating that the
34 immunization conflicts with the tenets and practice of a
35 recognized religious denomination of which the applicant is

1 an adherent or member; however, this exemption does not apply
2 in times of emergency or epidemic declared by the commissioner
3 of health.

4 5. A person may be provisionally enrolled in an elementary
5 or secondary school or licensed child care center if the
6 person has begun the required immunizations and if the person
7 continues to receive the necessary immunizations as rapidly
8 as is medically feasible. The state department of health
9 shall promulgate rules relating to the provisional admission
10 of persons to an elementary or secondary school or licensed
11 child care center.

12 6. It shall be the duty of the local board of health to
13 furnish the state department of health within thirty days
14 of the first official day of school evidence that each person
15 enrolled in any elementary or secondary school or licensed
16 child care center has been immunized in accordance with this
17 Act subject to the provisions in subsection four (4) of this
18 section. The state department of health shall promulgate
19 rules pursuant to chapter seventeen A (17A) of the Code
20 relating to the reporting of evidence of immunization.

21 7. The local boards of health shall provide the required
22 immunizations to children in areas where no local provision
23 exists to provide these services.

24 8. The state department of health shall promulgate rules
25 for the implementation of this Act and shall provide those
26 rules to local school boards and local boards of health.

27 Sec. 2. This Act is effective January 1, 1978.

28 EXPLANATION

29 This bill provides that with certain exceptions every
30 person shall be immunized against diphtheria, pertussis,
31 rubeola, rubella, tetanus, and poliomyelitis before entering
32 any elementary or secondary school or licensed child care
33 center in the state.

34
35

HOUSE FILE 163

H-3558

- 1 Amend House File 163 as follows:
2 1. Page 1, by striking line 19-21 and inserting
3 in lieu thereof the following: ". "

H-3558 FILED - *Adopted 4/12* BY VARLEY of Adair
APRIL 12, 1977 (*p. 1326*)

HOUSE FILE 163

S-3380

- 1 Amend House File 163 as follows:
2 1. Page 1, by striking lines 23 through 35, and
3 inserting in lieu thereof the following:
4 "a. A statement on forms provided by the depart-
5 ment and signed by a physician, licensed by the state
6 board of medical examiners, in which it is stated
7 that, in the physician's opinion, the immunizations
8 required would be potentially injurious to the health
9 and well-being of the applicant or any member of the
10 applicant's family or household; or
11 b. A statement on forms provided by the depart-
12 ment and notarized or signed in the presence of the
13 admitting official by the applicant or, if the
14 applicant is a minor, by the minor's parent or
15 guardian, expressing objections to the immunizations
16 on grounds of religion or conscience."

S-3380 FILED - *Lost 4/25 (1174)* BY CHARLES P. MILLER, CHAIRPERSON
APRIL 19, 1977 COMMITTEE ON HUMAN RESOURCES

HOUSE FILE 163

S-3379

- 1 Amend House File 163 as follows:
2 1. Page 2, lines 15 and 16, by striking the
3 words "or licensed child care center".

S-3379 FILED - *Withdrawn 4/25* BY MINNETTE DODERER
APRIL 19, 1977 (*1175*)

HOUSE FILE 163

S-3414

- 1 Amend House File 163 as amended and passed by the
2 House as follows:
3 1. Page 1, line 34, by inserting after the word
4 "epidemic" the words "as determined by the state board
5 of health and as".
6 2. Page 2, line 24, by striking the word and
7 figures "January 1, 1978" and inserting in lieu
8 thereof the word and figures "August 15, 1977".

S-3414 FILED & ADOPTED (*p. 1174*) BY MINNETTE DODERER
APRIL 25, 1977 JOAN ORR

S-3416

1 Amend House File 163 as amended and passed by the
2 House as follows:

3 1. Page 2, by striking from lines 12 and 13 the (DIV.A)
4 words "or licensed child care center".

5 2. Page 2, line 21, by inserting after the word (DIV.B)
6 "health" the words "in consultation with the
7 superintendent of public instructions".

S-3416 FILED
APRIL 25, 1977

BY MINNETTE DODERER
JOAN ORR

Div. A - ADOPTED } p. 1175
Div. B - ADOPTED }

SENATE AMENDMENT TO
HOUSE FILE 163

H-3765

1 Amend House File 163, as amended and passed by the
2 House as follows:

3 1. Page 1, line 34, by inserting after the word
4 "epidemic" the words "as determined by the state board
5 of health and as".

6 2. Page 2, by striking from lines 12 and 13 the
7 words "or licensed child care center".

8 3. Page 2, line 21, by inserting after the word
9 "health" the words "in consultation with the
10 superintendent of public instructions".

11 4. Page 2, line 24, by striking the word and
12 figures "January 1, 1978" and inserting in lieu
13 thereof the word and figures "August 15, 1977".

H-3765 FILED
RECEIVED FROM SENATE
APRIL 26, 1977

House concurred 5/6/77 (p. 1969)

H-3997

- 1 Amend the Senate amendment H-3765 to House File
 2 163, as amended and passed by the House, as follows:
 3 1. By inserting after line 2 of the amendment the
 4 following:
 5 "1. Page 1, by striking lines 31, 32 and 33 and
 6 inserting in lieu thereof the words "immunization
 7 conflicts with convictions of religion or conscience
 8 held by the applicant. For the purpose of this para-
 9 graph, the deeply and sincerely held beliefs of an
 10 individual which are purely ethical or moral in source
 11 and content but which nevertheless impose upon that
 12 individual a duty of conscience to refuse immunization
 13 are entitled to the same consideration as if such
 14 beliefs were based on religious tenets. However, the
 15 exemption provided by this paragraph does not apply".
 16 2. By renumbering succeeding sections of the
 17 amendment in accordance with this amendment to the
 18 amendment.

H-3997 FILED - *Lost 5/6* BY CUSACK of Scott
 MAY 5, 1977 (*p. 1967*) MONROE of Des Moines
 MILLER of Buchanan
 DAGGETT of Adams
 WYCKOFF of Benton

HOUSE FILE 163

H-3999

- 1 Amend the Senate amendment H-3765 to House File 163;
 2 as amended and passed by the House, as follows:
 3 1. Page 1, by inserting after line 10 the following:
 4 "____. Page 2, by inserting after line 23 the
 5 following new subsection:
 6 "____. This section shall be of no force and effect
 7 unless state or federal funds are available to pay the
 8 cost of the immunizations required by this section."

H-3999 FILED - *Lost 5/6* BY MONROE of Des Moines
 MAY 5, 1977 (*p. 1969*)

HOUSE FILE 163

H-4002

- 1 Amend the Senate amendment H-3765 to House File 163,
 2 as amended and passed by the House, as follows:
 3 1. Page 1, by striking lines 3, 4 and 5 and
 4 inserting in lieu thereof the following:
 5 "1. Page 1, by striking lines 21 through 35 and
 6 inserting in lieu thereof the words "center if that
 7 person submits to the admitting official a statement
 8 signed by a doctor, who is licensed by the state board
 9 of medical examiners, in which it is stated that, in
 10 the doctor's opinion, the immunizations required would
 11 be injurious to the health and well-being of the
 12 applicant or any member of the applicant's family or
 13 household."

H-4002 FILED - *Lost* BY CUSACK of Scott
 MAY 5, 1977 *5/6 (1969)*

HOUSE FILE 163

AN ACT

RELATING TO THE IMMUNIZATION OF PERSONS ATTENDING
ELEMENTARY OR SECONDARY SCHOOLS OR LICENSED CHILD
CARE CENTERS AND TO THE AUTHORITY OF THE STATE
DEPARTMENT OF HEALTH TO MODIFY IMMUNIZATION REQUIRE-
MENTS FOR ADMISSION TO SCHOOL.

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

Section 1. Chapter one hundred thirty-nine (139), Code
1977, is amended by adding the following new section:

NEW SECTION. IMMUNIZATION.

1. Every parent or legal guardian shall assure that his
or her minor children residing in the state have been
adequately immunized against diphtheria, pertussis, tetanus,
poliomyelitis, rubeola, and rubella according to
recommendations provided by the state department of health
subject to the provisions of subsections three (3) and four
(4) of this section.

2. No person shall be enrolled in any licensed child care
center, elementary or secondary school in Iowa without evidence
of adequate immunization against diphtheria, pertussis, tetanus,
poliomyelitis, rubeola, and rubella, except as provided in
subsections three (3) and four (4) of this section.

3. Subject to the provision of subsection four (4) of
this section the state board of health may modify or delete
any of the immunizations in subsection one (1) of this section.

4. Immunization is not required for a person's enrollment
in any elementary or secondary school or licensed child care
center if that person submits to the admitting official either
of the following:

a. A statement signed by a doctor, who is licensed by
the state board of medical examiners, in which it is stated
that, in the doctor's opinion, the immunizations required
would be injurious to the health and well-being of the

applicant or any member of the applicant's family or household;
or

b. An affidavit signed by the applicant or, if a minor,
by a legally authorized representative, stating that the
immunization conflicts with the tenets and practice of a
recognized religious denomination of which the applicant is
an adherent or member; however, this exemption does not apply
in times of emergency or epidemic as determined by the state
board of health and as declared by the commissioner of health.

5. A person may be provisionally enrolled in an elementary
or secondary school or licensed child care center if the
person has begun the required immunizations and if the person
continues to receive the necessary immunizations as rapidly
as is medically feasible. The state department of health
shall promulgate rules relating to the provisional admission
of persons to an elementary or secondary school or licensed
child care center.

6. It shall be the duty of the local board of health to
furnish the state department of health within thirty days
of the first official day of school evidence that each person
enrolled in any elementary or secondary school has been
immunized in accordance with this Act subject to the provisions
in subsection four (4) of this section. The state department
of health shall promulgate rules pursuant to chapter seventeen
A (17A) of the Code relating to the reporting of evidence
of immunization.

7. The local boards of health shall provide the required
immunizations to children in areas where no local provision
exists to provide these services.

8. The state department of health in consultation with
the superintendent of public instruction shall promulgate
rules for the implementation of this Act and shall provide
those rules to local school boards and local boards of health.

Sec. 2. This Act is effective August 15, 1977.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 163, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 7/13, 1977

ROBERT D. RAY
Governor