

House File 217 - Introduced

HOUSE FILE 217

BY JACOBSEN and OSMUNDSON

A BILL FOR

1 An Act relating to exemptions from required immunizations and
2 vaccinations.

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

1 Section 1. Section 135.144, subsection 6, Code 2021, is
2 amended to read as follows:

3 6. Vaccinate or order that individuals be vaccinated
4 against an infectious disease and to prevent the spread of a
5 communicable or potentially communicable disease. Vaccinations
6 shall be administered by any qualified person authorized to do
7 so by the department. The vaccination shall not be provided or
8 ordered if it is reasonably likely to lead to serious harm to
9 the affected individual or if an exemption pursuant to section
10 139A.8 is applicable. To prevent the spread of a communicable
11 or potentially communicable disease, the department may
12 isolate or quarantine, pursuant to [chapter 139A](#) and the rules
13 implementing [chapter 139A](#) and [this subchapter](#), any person who
14 is unable or unwilling to undergo vaccination pursuant to this
15 subsection.

16 Sec. 2. Section 139A.8, subsection 4, Code 2021, is amended
17 to read as follows:

18 4. a. Immunization is not required for a person's
19 enrollment in any elementary or secondary school or licensed
20 child care center if ~~either~~ any of the following applies:

21 (1) The applicant, or if the applicant is a minor, the
22 applicant's parent or legal guardian, submits to the admitting
23 official a statement signed by a physician, advanced registered
24 nurse practitioner, or physician assistant who is licensed by
25 the board of medicine, board of nursing, or board of physician
26 assistants that the immunizations required would be injurious
27 to the health and well-being of the applicant or any member of
28 the applicant's family.

29 (2) The applicant, or if the applicant is a minor, the
30 applicant's parent or legal guardian, submits an affidavit
31 signed by the applicant, or if the applicant is a minor,
32 the applicant's parent or legal guardian, stating that the
33 immunization conflicts with the tenets and practices of a
34 recognized religious denomination of which the applicant is an
35 adherent or member.

1 (3) The applicant, or if the applicant is a minor, the
2 applicant's parent or legal guardian, submits an affidavit
3 signed by the applicant, or if the applicant is a minor, signed
4 by the applicant's parent or legal guardian, stating that the
5 immunization conflicts with the conscientiously held beliefs
6 of the applicant, or if the applicant is a minor, of the
7 applicant's parent or legal guardian.

8 *b.* The exemptions under **this subsection** ~~do not~~ apply in
9 times of emergency or epidemic as determined by the state board
10 of health and as declared by the director of public health.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to exemptions from immunizations and
15 vaccinations.

16 The bill includes as a new exemption from immunizations
17 otherwise required for a person's enrollment in any elementary
18 or secondary school or licensed child care center, an exemption
19 based on the submission of a signed affidavit by the applicant,
20 or if the applicant is a minor, by the applicant's parent
21 or legal guardian, stating that the immunization conflicts
22 with the conscientiously held beliefs of the applicant, or if
23 the applicant is a minor, of the applicant's parent or legal
24 guardian. Existing provisions direct the department of public
25 health, in consultation with the director of the department of
26 education, to adopt rules to implement this provision.

27 The bill also provides, in the context of the additional
28 duties of the department of public health related to a public
29 health disaster, that a vaccination against an infectious
30 disease and to prevent the spread of a communicable or
31 potentially communicable disease shall not be provided or
32 ordered if, as provided under current law, it is reasonably
33 likely to lead to serious harm to the affected individual or
34 if, as newly provided under the bill, an exemption under Code
35 section 139A.8 is applicable. The exemptions under existing

1 Code section 139A.8 and the newly created exemption under the
2 bill include those based on the immunization being injurious
3 to the health and well-being of the applicant or any member of
4 the applicant's family; the immunization conflicting with the
5 tenets and practices of a recognized religious denomination
6 of which the applicant is an adherent or member; or the
7 immunization conflicting with the conscientiously held beliefs
8 of the applicant, or if the applicant is a minor, of the
9 applicant's parent or legal guardian.