

House File 2055 - Introduced

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BY SHIPLEY

A BILL FOR

1 An Act relating to communicable and infectious diseases,
2 including elimination of specified immunization and
3 vaccination requirements for enrollment in licensed child
4 care centers or elementary and secondary schools, and
5 requiring communication of the risks and recommendations
6 relating to such diseases and immunizations and
7 vaccinations.

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

1 Section 1. Section 139A.8, Code 2024, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **139A.8 Information — risks of communicable and infectious**
4 **disease — recommended immunizations.**

5 1. A person shall not be required to receive any specific
6 immunization prior to enrollment in any licensed child care
7 center or elementary or secondary school in Iowa.

8 2. The department shall provide information regarding
9 the risks of communicable and infectious disease and
10 recommendations regarding immunizations, to licensed child care
11 centers, school districts, and local boards. Licensed child
12 care centers, school districts, and local boards shall share
13 the information with the parent or legal guardian of a minor
14 child who is enrolled in any licensed child care center or
15 elementary or secondary school.

16 3. The department, in consultation with the director of the
17 department of education, shall adopt rules pursuant to chapter
18 17A to administer this section and shall provide the rules
19 to licensed child care centers, school districts, and local
20 boards.

21 Sec. 2. Section 139A.8B, subsection 1, Code 2024, is amended
22 to read as follows:

23 1. Notwithstanding whether a person's attendance is in
24 person or virtual, immunization against COVID-19 shall not be
25 required for a person to be enrolled in any licensed child care
26 center, elementary or secondary school, or postsecondary school
27 in Iowa ~~prior to July 1, 2029.~~

28 Sec. 3. Section 147.77, subsection 1, paragraph e,
29 subparagraph (28), Code 2024, is amended to read as follows:

30 (28) For health and dental programs provided by agencies
31 providing foster care services, that if documentation of prior
32 immunization is unavailable, ~~immunizations required by the~~
33 ~~department shall begin within thirty days of placement, unless~~
34 ~~contraindicated and unless a statement from a physician to~~
35 ~~that effect is included in the child's medical record, and~~

1 ~~that~~ a statement from a physician, referring agency, parent,
2 or guardian indicating current immunizations ~~are current~~ is
3 sufficient documentation of immunizations.

4 Sec. 4. Section 239B.12, Code 2024, is amended to read as
5 follows:

6 **239B.12 Immunization.**

7 ~~1.~~ To the extent feasible, the department shall determine
8 the immunization status of children receiving assistance under
9 this chapter. ~~The status shall be determined in accordance~~
10 ~~with the immunization recommendations adopted under section~~
11 ~~139A.8, including the exemption provisions in section 139A.8,~~
12 ~~subsection 4. If the department determines a child is not~~
13 ~~in compliance with the immunization recommendations, the~~
14 ~~department shall refer the child's parent or guardian to a~~
15 ~~local public health agency for immunization services for the~~
16 ~~child and other members of the child's family.~~

17 ~~2.~~ The department shall ~~determine immunization rates of~~
18 ~~participants, evaluate family investment program efforts~~
19 ~~to encourage~~ provide information regarding immunizations,
20 ~~and develop strategies to further encourage immunization of~~
21 ~~participants~~ in accordance with section 139A.8.

22 Sec. 5. Section 299.4, subsection 1, Code 2024, is amended
23 to read as follows:

24 1. The parent, guardian, or legal custodian of a child
25 who is of compulsory attendance age, who places the child
26 under competent private instruction under [section 299A.2](#), not
27 in an accredited school or a home school assistance program
28 operated by a school district or accredited nonpublic school,
29 shall furnish a report in duplicate on forms provided by the
30 public school district, to the district by September 1 of the
31 school year in which the child will be under competent private
32 instruction. The secretary shall retain and file one copy
33 and forward the other copy to the district's area education
34 agency. The report shall state the name and age of the child,
35 the period of time during which the child has been or will be

1 under competent private instruction for the year, an outline
2 of the course of study, texts used, and the name and address
3 of the instructor. The parent, guardian, or legal custodian
4 of a child, who is placing the child under competent private
5 instruction for the first time, shall also provide the district
6 with evidence that the child has had the immunizations required
7 under ~~section 139A.8~~, and, if the child is elementary school
8 age, a blood lead test in accordance with ~~section 135.105D~~.
9 The term "outline of course of study" shall include subjects
10 covered, lesson plans, and time spent on the areas of study.

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 communicable and infectious diseases,
15 including elimination of required immunizations and
16 vaccinations prior to enrollment in licensed child care centers
17 or elementary or secondary schools in Iowa.

18 The bill strikes Code section 139A.8 (immunization of
19 children), which requires a person to receive certain
20 immunizations prior to enrollment in any licensed child care
21 center or elementary or secondary school in Iowa, and replaces
22 it with new Code section 139A.8, which provides that a person
23 shall not be required to receive any specific immunization
24 prior to enrollment in any licensed child care center or
25 elementary or secondary school in Iowa. The bill requires
26 the department of health and human services (HHS) to provide
27 information regarding the risks of communicable and infectious
28 diseases and recommendations regarding immunizations, to
29 licensed child care centers, school districts, and local boards
30 to be shared with the parents or legal guardians of minor
31 children enrolled in licensed child care centers or elementary
32 or secondary schools in Iowa. The bill directs HHS, in
33 consultation with the director of the department of education,
34 to adopt rules to administer this Code section provision and
35 to provide the rules to licensed child care centers, school

1 districts, and local boards.

2 The bill makes conforming changes in the Code to reflect the
3 changes regarding required immunizations.

4 The bill amends Code section 139A.8B(1) that prohibits
5 required immunization for COVID-19 for a person enrolling
6 in any licensed child care center, elementary or secondary
7 school, or postsecondary school in Iowa prior to July 1, 2029,
8 by eliminating the date certain, thereby prohibiting the
9 requirement.

10 The bill amends Code section 147.77(1)(d)(28) relating to
11 the powers, privileges, rights, or duties provided by rule
12 regarding physician assistants to eliminate the references to
13 the documentation for required immunizations for children in
14 foster care and instead references documentation of current
15 immunizations.

16 The bill amends Code section 239B.12, the immunization
17 status of children receiving family investment program
18 assistance, by removing the reference to the recommended
19 immunizations under Code section 139A.8, and instead requires
20 that HHS provide information regarding immunizations to
21 participants.

22 The bill amends Code section 299.4(1) by removing the
23 reference to required immunizations under Code section 139A.8
24 in the context of reports regarding children placed in private
25 instruction.