

Senate File 2345 - Introduced

SENATE FILE 2345

BY GREEN

A BILL FOR

1 An Act relating to notice of immunization exemptions and
2 providing civil penalties.

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

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1 Section 1. Section 139A.8, subsection 4, paragraph c, Code
2 2026, is amended to read as follows:

3 c. Information regarding exemptions and the requirements
4 for an exemption under this subsection shall be included in
5 any public communication following the recommendation of an
6 immunization by the department pursuant to subsection 2, ~~shall~~
7 ~~be included~~ in any communication distributed to the public by
8 a local public health department, and in any communication
9 regarding immunizations to a parent or legal guardian from a
10 school, ~~and~~. The information shall also be published on the
11 internet sites of and included in registration documentation for
12 all elementary schools, secondary schools, and licensed child
13 care centers.

14 Sec. 2. Section 139A.8, subsection 4, Code 2026, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. d. A violation of this subsection shall be
17 subject to a civil penalty in the amount of one thousand dollars
18 per violation, to be collected by the department. Moneys from
19 civil penalties shall be deposited in the general fund of the
20 state.

21 Sec. 3. Section 237A.3C, Code 2026, is amended to read as
22 follows:

23 **237A.3C Immunization information — penalty.**

24 1. Each child care center, child care facility, child care
25 home, and child development home shall include information
26 regarding the exemptions and requirements for an exemption
27 described in section 139A.8, subsection 4, in any communication
28 to the parent or guardian of a child that is related to the
29 immunizations required under section 139A.8.

30 2. A child care center, child care facility, child care home,
31 or child development home that violates this section shall be
32 subject to a civil penalty in the amount of one thousand dollars
33 per violation, to be collected by the department. Moneys from
34 civil penalties shall be deposited in the general fund of the
35 state.

1 Sec. 4. NEW SECTION. **256.45A Immunization information —**
2 **penalty.**

3 A school district, accredited nonpublic school, charter
4 school, innovation zone school, or eligible institution as
5 defined in section 256.183 that fails to adhere to the policies
6 adopted by the department pursuant to section 256.7, subsection
7 15, and section 256.183, subsection 1, paragraph "k", shall be
8 subject to a civil penalty in the amount of one thousand dollars
9 per violation, to be collected by the department of health and
10 human services. Moneys from civil penalties shall be deposited
11 in the general fund of the state.

12 Sec. 5. Section 256.183, subsection 3, Code 2026, is amended
13 to read as follows:

14 3. "*Eligible institution*" means an institution of higher
15 learning located in Iowa which is operated privately and not
16 controlled or administered by any state agency or any subdivision
17 of the state, which is not exempt from taxation under section
18 501(c)(3) of the Internal Revenue Code, and which meets all of
19 the criteria in subsection 1, paragraphs "d" through "k", ~~and~~
20 or is a school of barbering and cosmetology arts and sciences
21 licensed under chapter 157 and ~~is~~ accredited by a national
22 accrediting agency recognized by the United States department of
23 education. For the fiscal year beginning July 1, 2017, such
24 a school of barbering and cosmetology arts and sciences shall
25 provide a matching aggregate amount of institutional financial
26 aid equal to at least seventy-five percent of the amount received
27 by the institution's students for Iowa tuition grant assistance
28 under section 256.191. For the fiscal year beginning July 1,
29 2018, the school of barbering and cosmetology arts and sciences
30 shall provide a matching aggregate amount of institutional
31 financial aid equal to at least eighty-five percent of the amount
32 received in that fiscal year. Commencing with the fiscal year
33 beginning July 1, 2019, and each succeeding fiscal year, the
34 matching aggregate amount of institutional financial aid shall
35 be at least equal to the match provided by eligible institutions

1 under section 261.9, subsection 3, paragraph "a", Code 2023.

2 Sec. 6. NEW SECTION. **260C.10B Immunization information —**
3 **penalty.**

4 A community college that fails to comply with the rules
5 adopted by the department pursuant to section 260C.14, subsection
6 26, shall be subject to a civil penalty in the amount of one
7 thousand dollars per violation, to be collected by the department
8 of health and human services. Moneys from civil penalties shall
9 be deposited in the general fund of the state.

10 Sec. 7. NEW SECTION. **262.34C Immunization information —**
11 **penalty.**

12 An institution of higher education under the control of the
13 board that fails to comply with the rules adopted pursuant to
14 section 262.9, subsection 42, shall be subject to a civil penalty
15 in the amount of one thousand dollars per violation, to be
16 collected by the department of health and human services. Moneys
17 collected from civil penalties shall be deposited in the general
18 fund of the state.

19 EXPLANATION

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

22 This bill relates to notice of immunization exemptions.

23 Under current law, all children enrolled in any licensed
24 child care center or elementary or secondary school in the
25 state are required to have certain immunizations, subject to
26 specific religious and health exemptions (exemptions). Local
27 public health departments are not required to include information
28 about exemptions or the requirements for obtaining an exemption
29 in any public communication. Child care centers, child
30 care facilities, child care homes, child development homes,
31 school districts, accredited nonpublic schools, charter schools,
32 innovation zone schools, eligible institutions as defined in
33 Code section 256.183, community colleges, and institutions of
34 higher education under the control of the board of regents are
35 required by statute, rule, or policy to include such information

1 in immunization-related communications. The bill amends the
2 definition of eligible institution under Code section 256.183.

3 The bill requires local public health departments to include
4 information about exemptions and the requirements for obtaining
5 an exemption in all communications distributed to the public
6 following the recommendation of an immunization by the department
7 of health and human services (HHS).

8 The bill provides for a civil penalty of \$1,000 per violation
9 for a failure to comply with the laws of this state, or to adhere
10 to a rule or policy adopted by the department of education or the
11 board of regents relating to information on exemptions. Moneys
12 collected from civil penalties by HHS shall be deposited in the
13 general fund of the state.

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