

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 22.1-271.2 of the Code of Virginia, relating to student immunization
2 requirements; conditional enrollment period; hepatitis A vaccine.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 22.1-271.2 of the Code of Virginia is amended and reenacted as follows:**

5 **§ 22.1-271.2. Immunization requirements.**

6 A. No student shall be admitted by a school unless at the time of admission the student or his parent
7 submits documentary proof of immunization to the admitting official of the school or unless the student
8 is exempted from immunization pursuant to subsection C or is a homeless child or youth as defined in
9 subdivision A 7 of § 22.1-3. If a student does not have documentary proof of immunization, the school
10 shall notify the student or his parent (i) that it has no documentary proof of immunization for the student;
11 (ii) that it may not admit the student without proof unless the student is exempted pursuant to subsection
12 C, including any homeless child or youth as defined in subdivision A 7 of § 22.1-3; (iii) that the student
13 may be immunized and receive certification by a licensed physician, a licensed advanced practice
14 registered nurse, a registered nurse, or an employee of a local health department; and (iv) how to contact
15 the local health department to learn where and when it performs these services. Neither this
16 Commonwealth nor any school or admitting official shall be liable in damages to any person for complying
17 with this section.

18 Any physician, advanced practice registered nurse, registered nurse, or local health department
19 employee performing immunizations shall provide to any person who has been immunized or to his parent,
20 upon request, documentary proof of immunizations conforming with the requirements of this section.

21 B. Any student whose immunizations are incomplete may be admitted conditionally if that student
22 provides documentary proof at the time of enrollment of having received at least one dose of the required
23 immunizations accompanied by a schedule for completion of the required doses within 90 calendar days.

24 If the student requires more than two doses of hepatitis B vaccine or any additional dose of hepatitis A
25 vaccine, the conditional enrollment period shall be 180 calendar days.

26 The immunization record of each student admitted conditionally shall be reviewed periodically
27 until the required immunizations have been received.

28 Any student admitted conditionally and who fails to comply with his schedule for completion of
29 the required immunizations shall be excluded from school until his immunizations are resumed.

30 C. No certificate of immunization shall be required for the admission to school of any student if
31 (i) the student or his parent submits an affidavit to the admitting official stating that the administration of
32 immunizing agents conflicts with the student's religious tenets or practices; or (ii) the school has written
33 certification from a licensed physician, a licensed advanced practice registered nurse, or a local health
34 department that one or more of the required immunizations may be detrimental to the student's health,
35 indicating the specific nature and probable duration of the medical condition or circumstance that
36 contraindicates immunization.

37 However, if a student is a homeless child or youth as defined in subdivision A 7 of § 22.1-3 and
38 (a) does not have documentary proof of necessary immunizations or has incomplete immunizations and
39 (b) is not exempted from immunization pursuant to clause (i) or (ii), the school division shall immediately
40 admit such student and shall immediately refer the student to the local school division liaison, as described
41 in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended
42 (42 U.S.C. § 11431 et seq.)(the Act), who shall assist in obtaining the documentary proof of, or
43 completing, immunization and other services required by such Act.

44 D. The admitting official of a school shall exclude from the school any student for whom he does
45 not have documentary proof of immunization or notice of exemption pursuant to subsection C, including
46 notice that such student is a homeless child or youth as defined in subdivision A 7 of § 22.1-3.

47 E. Every school shall record each student's immunizations on the school immunization record. The
48 school immunization record shall be a standardized form provided by the State Department of Health,
49 which shall be a part of the mandatory permanent student record. Such record shall be open to inspection
50 by officials of the State Department of Health and the local health departments.

51 The school immunization record shall be transferred by the school whenever the school transfers
52 any student's permanent academic or scholastic records.

Within 30 calendar days after the beginning of each school year or entrance of a student, each admitting official shall file a report with the local health department. The report shall be filed on forms prepared by the State Department of Health and shall state the number of students admitted to school with documentary proof of immunization, the number of students who have been admitted with a medical or religious exemption and the number of students who have been conditionally admitted, including those students who are homeless children or youths as defined in subdivision A 7 of § 22.1-3.

F. The requirement for Haemophilus Influenzae Type b immunization as provided in § 32.1-46 shall not apply to any child admitted to any grade level, kindergarten through grade 12.

G. The Board of Health shall promulgate rules and regulations for the implementation of this section in congruence with rules and regulations of the Board of Health promulgated under § 32.1-46 and in cooperation with the Board of Education.

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