



Reprinted  
February 26, 1999

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## SENATE BILL No. 287

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DIGEST OF SB 287 (Updated February 25, 1999 5:25 pm - DI 77)

**Citations Affected:** IC 20-8.1.

**Synopsis:** Hepatitis B. Requires every child residing in Indiana to be immunized against mumps. Requires every child who enters kindergarten or grade 1 to be immunized against hepatitis B. (Current law requires every child to be immunized against hepatitis B without regard to the child entering first grade.) Requires a health care provider who orders a hepatitis B immunization for a child to provide information to the child's parent, guardian, or custodian concerning the potential side effects of the immunization. Provides that the requirement that a child receive the hepatitis B immunization may be waived if the child's parent, guardian, or custodian objects to the immunization for reasons of personal conviction. Requires the parent, guardian, or custodian to make the objection in writing, sign the written objection, and deliver the written objection to the child's teacher or the individual who might order the immunization.

**Effective:** July 1, 1999.

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### Landske, Miller

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January 7, 1999, read first time and referred to Committee on Health and Provider Services.  
February 9, 1999, amended, reported favorably — Do Pass.  
February 15, 1999, read second time, ordered engrossed. Engrossed.  
February 23, 1999, placed back on second reading for purposes of amendment.  
February 25, 1999, reread second time, amended, ordered engrossed.

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SB 287—LS 6822/DI 77+



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February 26, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 287

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-8.1-7-9.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9.5. (a) Every child  
3 residing in Indiana shall be immunized against:  
4 (1) diphtheria;  
5 (2) pertussis (whooping cough);  
6 (3) tetanus;  
7 (4) measles;  
8 (5) rubella;  
9 (6) poliomyelitis; and  
10 (7) ~~hepatitis B.~~ **mumps.**  
11 (b) **Except as provided in subsection (f), every child residing in**  
12 **Indiana who has not completed enters kindergarten or grade 1 before**  
13 **July 1, 1985, shall be immunized against mumps hepatitis B. A health**  
14 **care provider who orders or administers a hepatitis B**  
15 **immunization shall provide a copy of the Hepatitis B Vaccine**  
16 **Information Statement pursuant to 42 U.S.C. § 300aa-26 to the**  
17 **child's parent, guardian, or custodian each of the potential side**

SB 287—LS 6822/DI 77+



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1 **effects of the immunization.**

2 (c) The state department of health may expand or otherwise modify  
3 the list of communicable diseases that require documentation of  
4 immunity as medical information becomes available that would warrant  
5 the expansion or modification in the interest of public health.

6 (d) The state department of health shall adopt rules under IC 4-22-2  
7 specifying the:

- 8 (1) required immunizations;  
9 (2) ~~the~~ child's age for administering each vaccine;  
10 (3) ~~the~~ adequately immunizing doses; and  
11 (4) ~~the~~ method of documentation of proof of immunity.

12 (e) Each school shall notify each parent of a child who enrolls in the  
13 school of the requirement that the child must be immunized and that  
14 the immunization is required for the child's continued enrollment,  
15 attendance, or residence at the school unless:

- 16 (1) the parent or child provides the appropriate documentation of  
17 immunity; ~~or~~  
18 (2) section 2 or 2.5 of this chapter applies; ~~or~~  
19 (3) **subsection (f) applies.**

20 (f) **The immunization requirement under subsection (b) is**  
21 **waived if the child's parent, guardian, or custodian objects to the**  
22 **immunization for reasons of personal conviction other than those**  
23 **stated in sections 2 and 2.5 of this chapter. A personal conviction**  
24 **exemption for the hepatitis B immunization does not exempt a**  
25 **child under this chapter unless the objection is:**

- 26 (1) **made in writing;**  
27 (2) **signed by the parent or legal guardian; and**  
28 (3) **delivered to the child's teacher or to the individual who**  
29 **might order the immunization absent the objection.**

30 **The written document, signed by the parent or legal guardian,**  
31 **must state that the objection to immunization is based on personal**  
32 **convictions.**

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SENATE MOTION

Mr. President: I move that Senator Miller be added as second author of Senate Bill 287.

LANDSKE

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SENATE MOTION

Mr. President: I move that Senator Miller be removed as author of Senate Bill 287 and that Senator Landske be substituted therefor.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 287, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, before "Every" insert "**Except as provided in subsection (f),**".

Page 1, line 11, delete "Every" and insert "every".

Page 1, line 13, after "." insert "**A physician who orders a hepatitis B immunization shall explain to the child's parent, guardian, or custodian each of the potential side effects of the immunization.**".

Page 2, line 12, strike "or".

Page 2, line 13, delete "applies." and insert "applies; **or**".

Page 2, after line 13, begin a new line block indented and insert: "**(3) subsection (f) applies.**"

**(f) The immunization requirement under subsection (b) is waived if the child's parent, guardian, or custodian objects to the immunization for reasons of personal conviction. An objection under this subsection is not valid unless the objection is:**

- (1) made in writing;**
- (2) signed by the child's parent, guardian, or custodian; and**
- (3) delivered to the individual who ordered the immunization."**

and when so amended that said bill do pass.

(Reference is to SB 287 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 287, which is eligible for third reading, be returned to second reading for purposes of amendment.

LANDSKE

## SENATE MOTION

Mr. President: I move that Senate Bill 287 be amended to read as follows:

Page 1, line 14, delete "physician" and insert "**health care provider**".

Page 1, line 14, after "orders" insert "**or administers**".

Page 1, line 14, delete "explain" and insert "**provide a copy of the Hepatitis B Vaccine Information Statement pursuant to 42 U.S.C. § 300aa-26**".

Page 2, line 20, after "conviction" insert "**other than those stated in sections 2 and 2.5 of this chapter**".

Page 2, line 20, after "conviction." insert "**A personal conviction exemption for the hepatitis B immunization does not exempt a child under this chapter unless the objection is:**

- (1) **made in writing;**
- (2) **signed by the parent or legal guardian; and**
- (3) **delivered to the child's teacher or to the individual who might order the immunization absent the objection.**

**The written document, signed by the parent or legal guardian, must state that the objection to immunization is based on personal convictions."**

Page 2, line 20, delete "An objection".

Page 2, delete lines 21 through 24.

(Reference is to SB 287 as printed February 10, 1999.)

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