

## SENATE BILL No. 403

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-8.1-7.

**Synopsis:** Varicella immunizations. Requires every child in kindergarten or first grade to receive the chicken pox immunization. Requires a school to report to the state department of health and the local department of health regarding the number of students who have received the chicken pox immunization.

**Effective:** July 1, 2003.

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**Simpson, Miller**

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January 21, 2003, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 113th General Assembly (2003)

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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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## SENATE BILL No. 403



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

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

1 SECTION 1. IC 20-8.1-7-9.5, AS AMENDED BY P.L.231-1999,  
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]: Sec. 9.5. (a) Every child residing in Indiana shall be  
4 immunized against:  
5 (1) diphtheria;  
6 (2) pertussis (whooping cough);  
7 (3) tetanus;  
8 (4) measles;  
9 (5) rubella;  
10 (6) poliomyelitis; and  
11 (7) mumps.  
12 (b) Every child residing in Indiana who enters kindergarten or grade  
13 1 shall be immunized against hepatitis **B and varicella**.  
14 (c) The state department of health may expand or otherwise modify  
15 the list of communicable diseases that require documentation of  
16 immunity as medical information becomes available that would warrant  
17 the expansion or modification in the interest of public health.



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

- 3 (1) required immunizations;
- 4 (2) child's age for administering each vaccine;
- 5 (3) adequately immunizing doses; and
- 6 (4) method of documentation of proof of immunity.

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

- 11 (1) the parent or child provides the appropriate documentation of  
12 immunity; or
- 13 (2) section 2 or 2.5 of this chapter applies.

14 SECTION 2. IC 20-8.1-7-11 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) Not later than  
16 sixty (60) days after the enrollment of children for the first time and  
17 when additional immunizations are required by statute or rule, each  
18 school shall file a written report with the state department of health and  
19 the local health department having jurisdiction. The report shall include  
20 the following:

- 21 (1) A statement of the number of children who have demonstrated  
22 immunity against diphtheria, pertussis (whooping cough), tetanus,  
23 measles, rubella, poliomyelitis, mumps, **and** hepatitis B, **and**  
24 **varicella.**
- 25 (2) A statement of the number of children who have not  
26 demonstrated immunity against the illnesses listed in subdivision  
27 (1).
- 28 (3) A statement of the number of children who have been found  
29 positive for sickle cell anemia and lead poisoning.

30 (b) The state department of health and the local health department  
31 shall, for good cause shown that there exists a substantial threat to the  
32 health and safety of a student or the school community, be able to  
33 validate immunization reports by onsite reviews or examinations of  
34 nonidentifying immunization record data. This section does not  
35 independently authorize the state department of health, a local  
36 department of health, or an agent of the state or local department of  
37 health to have access to identifying medical or academic record data of  
38 individual students attending nonaccredited nonpublic schools.

39 (c) A report shall also be filed for each child who enrolls subsequent  
40 to the filing of the report for children who enrolled at the beginning of  
41 the school year. The state department of health shall have exclusive  
42 power to adopt rules for the administration of this section.

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