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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 452

01/28/2021 Authored by Lucero, Poston and Drazkowski
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for an exemption from statutory immunization
1.3 requirements for a sincerely held religious belief; amending Minnesota Statutes
1.4 2020, section 121A.15, subdivisions 3, 3a, 8.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 121A.15, subdivision 3, is amended to read:

1.7 Subd. 3. Exemptions from immunizations. (a) If a person is at least seven years old
1.8 and has not been immunized against pertussis, the person must not be required to be
1.9 immunized against pertussis.

1.10 (b) If a person is at least 18 years old and has not completed a series of immunizations
1.11 against poliomyelitis, the person must not be required to be immunized against poliomyelitis.

1.12 (c) If a statement, signed by a physician, is submitted to the administrator or other person
1.13 having general control and supervision of the school or child care facility stating that an
1.14 immunization is contraindicated for medical reasons or that laboratory confirmation of the
1.15 presence of adequate immunity exists, the immunization specified in the statement need
1.16 not be required.

1.17 (d) If a notarized statement signed by the minor child's parent or guardian or by the
1.18 emancipated person is submitted to the administrator or other person having general control
1.19 and supervision of the school or child care facility stating that the person has not been
1.20 immunized as prescribed in subdivision 1 because of the conscientiously held beliefs of the
1.21 parent or guardian of the minor child or of the emancipated person, the immunizations
1.22 specified in the statement shall not be required. This statement must also be forwarded to
1.23 the commissioner of the Department of health.

2.1 (e) If a statement signed by the minor child's parent or guardian or by the emancipated
 2.2 person is submitted to the administrator or other person having general control and
 2.3 supervision of the school or child care facility stating that the person has not been immunized
 2.4 as prescribed in subdivision 1 because of a genuine and sincerely held religious belief of
 2.5 the parent or guardian of the minor child or the emancipated person, the immunizations
 2.6 specified in the statement shall not be required. This statement must also be forwarded to
 2.7 the commissioner of health.

2.8 (f) If the person is under 15 months, the person is not required to be immunized against
 2.9 measles, rubella, or mumps.

2.10 ~~(f)~~ (g) If a person is at least five years old and has not been immunized against
 2.11 haemophilus influenzae type b, the person is not required to be immunized against
 2.12 haemophilus influenzae type b.

2.13 ~~(g)~~ (h) If a person who is not a Minnesota resident enrolls in a Minnesota school online
 2.14 learning course or program that delivers instruction to the person only by computer and
 2.15 does not provide any teacher or instructor contact time or require classroom attendance, the
 2.16 person is not subject to the immunization, statement, and other requirements of this section.

2.17 Sec. 2. Minnesota Statutes 2020, section 121A.15, subdivision 3a, is amended to read:

2.18 Subd. 3a. **Disclosures required.** (a) This paragraph applies to any written information
 2.19 about immunization requirements for enrollment in a school or child care facility that:

2.20 (1) is provided to a person to be immunized or enrolling or enrolled in a school or child
 2.21 care facility, or to the person's parent or guardian if the person is under 18 years of age and
 2.22 not emancipated; and

2.23 (2) is provided by the Department of Health; the Department of Education; the
 2.24 Department of Human Services; an immunization provider; or a school or child care facility.

2.25 Such written information must describe the exemptions from immunizations permitted under
 2.26 subdivision 3, paragraphs (c) ~~and~~, (d), and (e). The information on exemptions from
 2.27 immunizations provided according to this paragraph must be in a font size at least equal to
 2.28 the font size of the immunization requirements, in the same font style as the immunization
 2.29 requirements, and on the same page of the written document as the immunization
 2.30 requirements.

2.31 (b) Before immunizing a person, an immunization provider must provide the person, or
 2.32 the person's parent or guardian if the person is under 18 years of age and not emancipated,
 2.33 with the following information in writing:

- 3.1 (1) a list of the immunizations required for enrollment in a school or child care facility;
- 3.2 (2) a description of the exemptions from immunizations permitted under subdivision 3,
- 3.3 paragraphs (c) ~~and~~, (d), and (e);
- 3.4 (3) a list of additional immunizations currently recommended by the commissioner; and
- 3.5 (4) in accordance with federal law, a copy of the vaccine information sheet from the
- 3.6 federal Department of Health and Human Services that lists possible adverse reactions to
- 3.7 the immunization to be provided.
- 3.8 (c) The commissioner will continue the educational campaign to providers and hospitals
- 3.9 on vaccine safety including, but not limited to, information on the vaccine adverse events
- 3.10 reporting system (VAERS), the federal vaccine information statements (VIS), and medical
- 3.11 precautions and contraindications to immunizations.
- 3.12 (d) The commissioner will encourage providers to provide the vaccine information
- 3.13 statements at multiple visits and in anticipation of subsequent immunizations.
- 3.14 (e) The commissioner will encourage providers to use existing screening for immunization
- 3.15 precautions and contraindication materials and make proper use of the vaccine adverse
- 3.16 events reporting system (VAERS).
- 3.17 (f) In consultation with groups and people identified in subdivision 12, paragraph (a),
- 3.18 clause (1), the commissioner will continue to develop and make available patient education
- 3.19 materials on immunizations including, but not limited to, contraindications and precautions
- 3.20 regarding vaccines.
- 3.21 (g) The commissioner will encourage health care providers to use thimerosal-free vaccines
- 3.22 when available.

3.23 Sec. 3. Minnesota Statutes 2020, section 121A.15, subdivision 8, is amended to read:

3.24 Subd. 8. **Report.** The administrator or other person having general control and supervision

3.25 of the elementary or secondary school shall file a report with the commissioner on all persons

3.26 enrolled in the school. The superintendent of each district shall file a report with the

3.27 commissioner for all persons within the district receiving instruction in a home school in

3.28 compliance with sections 120A.22 and 120A.24. The parent of persons receiving instruction

3.29 in a home school shall submit the statements as required by subdivisions 1, 2, 3, 4, and 12

3.30 to the superintendent of the district in which the person resides by October 1 of the first

3.31 year of their homeschooling in Minnesota and the grade 7 year. The school report must be

3.32 prepared on forms developed jointly by the commissioner of health and the commissioner

4.1 of education and be distributed to the local districts by the commissioner of health. The
4.2 school report must state the number of persons attending the school, the number of persons
4.3 who have not been immunized according to subdivision 1 or 2, and the number of persons
4.4 who received an exemption under subdivision 3, ~~clause paragraph~~ (c) or (d), or (e). The
4.5 school report must be filed with the commissioner of education within 60 days of the
4.6 commencement of each new school term. Upon request, a district must be given a 60-day
4.7 extension for filing the school report. The commissioner of education shall forward the
4.8 report, or a copy thereof, to the commissioner of health who shall provide summary reports
4.9 to community health boards as defined in section 145A.02, subdivision 5. The administrator
4.10 or other person having general control and supervision of the child care facility shall file a
4.11 report with the commissioner of human services on all persons enrolled in the child care
4.12 facility. The child care facility report must be prepared on forms developed jointly by the
4.13 commissioner of health and the commissioner of human services and be distributed to child
4.14 care facilities by the commissioner of health. The child care facility report must state the
4.15 number of persons enrolled in the facility, the number of persons with no immunizations,
4.16 the number of persons who received an exemption under subdivision 3, ~~clause paragraph~~
4.17 (c) or (d), or (e), and the number of persons with partial or full immunization histories. The
4.18 child care facility report must be filed with the commissioner of human services by November
4.19 1 of each year. The commissioner of human services shall forward the report, or a copy
4.20 thereof, to the commissioner of health who shall provide summary reports to community
4.21 health boards as defined in section 145A.02, subdivision 5. The report required by this
4.22 subdivision is not required of a family child care or group family child care facility, for
4.23 prekindergarten children enrolled in any elementary or secondary school provided services
4.24 according to sections 125A.03 and 125A.06, nor for child care facilities in which at least
4.25 75 percent of children in the facility participate on a onetime only or occasional basis to a
4.26 maximum of 45 hours per child, per month.