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State of Minnesota

Printed Page No. 333

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 367

01/17/2023 Authored by Freiberg, Virnig, Elkins, Coulter and Hemmingsen-Jaeger
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy
03/25/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to early childhood; allowing a child care center and a family child care
1.3 provider to adopt a policy regarding immunizations; amending Minnesota Statutes
1.4 2022, section 121A.15, subdivision 3, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2022, 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. This paragraph does not apply to a child

2.1 enrolling or enrolled in a child care center or family child care program that adopts a policy
2.2 under subdivision 3b.

2.3 (e) If the person is under 15 months, the person is not required to be immunized against
2.4 measles, rubella, or mumps.

2.5 (f) If a person is at least five years old and has not been immunized against haemophilus
2.6 influenzae type b, the person is not required to be immunized against haemophilus influenzae
2.7 type b.

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

2.12 Sec. 2. Minnesota Statutes 2022, section 121A.15, is amended by adding a subdivision to
2.13 read:

2.14 Subd. 3b. **Child care programs.** A child care center licensed under chapter 245A and
2.15 Minnesota Rules, chapter 9503, and a family child care provider licensed under chapter
2.16 245A and Minnesota Rules, chapter 9502, may adopt a policy prohibiting a child over two
2.17 months of age from enrolling or remaining enrolled in the child care center or family child
2.18 care program if the child: (1) has not been immunized in accordance with subdivision 1 or
2.19 2 and in accordance with Minnesota Rules, chapter 4604; and (2) is not exempt from
2.20 immunizations under subdivision 3, paragraph (a), (c), (e), or (f).