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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 4406

04/16/2018 Authored by Lillie
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; immunizations; removing a philosophical exemption from
1.3 immunizations; amending Minnesota Statutes 2016, section 121A.15, subdivisions
1.4 3, 8.

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

1.6 Section 1. Minnesota Statutes 2016, 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~~ religious
1.21 beliefs of the parent or guardian of the minor child or of the emancipated person, the
1.22 immunizations specified in the statement shall not be required. This statement must also be
1.23 forwarded to the commissioner of the Department of Health.

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

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

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

2.10 Sec. 2. Minnesota Statutes 2016, section 121A.15, subdivision 8, is amended to read:

2.11 Subd. 8. **Report.** The administrator or other person having general control and supervision
2.12 of the elementary or secondary school shall file a report with the commissioner on all persons
2.13 enrolled in the school. The superintendent of each district shall file a report with the
2.14 commissioner for all persons within the district receiving instruction in a home school in
2.15 compliance with sections 120A.22 and 120A.24. The parent of persons receiving instruction
2.16 in a home school shall submit the statements as required by subdivisions 1, 2, 3, 4, and 12
2.17 to the superintendent of the district in which the person resides by October 1 of the first
2.18 year of their homeschooling in Minnesota and the grade 7 year. The school report must be
2.19 prepared on forms developed jointly by the commissioner of health and the commissioner
2.20 of education and be distributed to the local districts by the commissioner of health. The
2.21 school report must state the number of persons attending the school, the number of persons
2.22 who have not been immunized according to subdivision 1 or 2, and the number of persons
2.23 who received an exemption under subdivision 3, ~~clause~~ paragraph (c) or (d). The school
2.24 report must be filed with the commissioner of education within 60 days of the commencement
2.25 of each new school term. Upon request, a district must be given a 60-day extension for filing
2.26 the school report. The commissioner of education shall forward the report, or a copy thereof,
2.27 to the commissioner of health who shall provide summary reports to community health
2.28 boards as defined in section 145A.02, subdivision 5. The administrator or other person
2.29 having general control and supervision of the child care facility shall file a report with the
2.30 commissioner of human services on all persons enrolled in the child care facility. The child
2.31 care facility report must be prepared on forms developed jointly by the commissioner of
2.32 health and the commissioner of human services and be distributed to child care facilities
2.33 by the commissioner of health. The child care facility report must state the number of persons
2.34 enrolled in the facility, the number of persons with no immunizations, the number of persons

3.1 who received an exemption under subdivision 3, ~~clause~~ paragraph (c) or (d), and the number
3.2 of persons with partial or full immunization histories. The child care facility report must be
3.3 filed with the commissioner of human services by November 1 of each year. The
3.4 commissioner of human services shall forward the report, or a copy thereof, to the
3.5 commissioner of health who shall provide summary reports to community health boards as
3.6 defined in section 145A.02, subdivision 5. The report required by this subdivision is not
3.7 required of a family child care or group family child care facility, for prekindergarten
3.8 children enrolled in any elementary or secondary school provided services according to
3.9 sections 125A.03 and 125A.06, nor for child care facilities in which at least 75 percent of
3.10 children in the facility participate on a onetime only or occasional basis to a maximum of
3.11 45 hours per child, per month.