

CHAPTER 215—H.F.No. 943

An act relating to health; requiring post-secondary students to submit a statement of immunization; providing exemptions; amending Minnesota Statutes 1988, section 123.70, subdivisions 1, 2, 4, 7, 8, 9, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 135A.

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

Section 1. Minnesota Statutes 1988, section 123.70, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivisions 3 and 4, no person over two months old may be allowed to enroll or remain enrolled in any elementary or secondary school or day care facility in this state until the person has submitted to the administrator or other person having general control and supervision of the school or day care facility, one of the following statements:

(1) a statement from a physician or a public clinic which provides immunizations stating that the person has received immunization, consistent with medically acceptable standards, against red measles after having attained the age of 12 months, rubella, diphtheria, tetanus, pertussis, polio, and mumps ~~and which indicates the month, day, and year of each immunization received~~; or

(2) a statement from a physician or a public clinic which provides immunizations stating that the person has received immunizations against red measles after having attained the age of 12 months, rubella, and mumps and that the person has commenced a schedule of immunizations for diphtheria, tetanus, pertussis, and polio and which indicates the month, ~~day~~, and year of each immunization received.

Sec. 2. Minnesota Statutes 1988, section 123.70, subdivision 2, is amended to read:

Subd. 2. No person who has commenced a treatment schedule of immunization pursuant to subdivision 1, clause (2), may remain enrolled in any day care facility, elementary, or secondary school in this state after 18 months of enrollment unless there is submitted to the administrator, or other person having general control and supervision of the school or day care facility, a statement from a physician or a public clinic which provides immunizations that the person has completed the primary schedule of immunizations for diphtheria, tetanus, pertussis, and polio and in which the month, ~~day~~, and year of each additional immunization received is included. For a child less than seven years of age, a primary schedule of immunizations shall consist of four doses of vaccine for diphtheria, tetanus, and pertussis and three doses of vaccine for poliomyelitis. For a child seven years of age or older, a primary schedule of immunizations shall consist of three doses of vaccine for diphtheria, tetanus, ~~pertussis~~, and polio.

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Sec. 3. Minnesota Statutes 1988, section 123.70, subdivision 4, is amended to read:

Subd. 4. A person who is enrolling or enrolled in an elementary or secondary school or day care facility may substitute a statement from the emancipated person or a parent or guardian if the person is a minor child in lieu of the statement from a physician or public clinic which provides immunizations. If the statement is from a parent or guardian or emancipated person, the statement shall indicate the month, ~~day,~~ and year of each immunization given. In order for the statement to be acceptable for a person who is six years of age or younger, enrolling in an elementary school or day care facility, it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, and no less than four doses of vaccine for poliomyelitis, unless the third dose was given after the fourth birthday, then three doses are minimum, and no less than five doses of vaccine for diphtheria, tetanus, and pertussis, unless the fourth dose was given after the fourth birthday, then four are minimum. In order for the statement to be acceptable for a person who is seven years of age or older, enrolling in an elementary or secondary school, the statement must indicate no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, and no less than three doses of vaccine for poliomyelitis, diphtheria, and tetanus. The commissioner of health, on finding that any of the above requirements are not necessary to protect the public's health, may suspend for one year that requirement.

Sec. 4. Minnesota Statutes 1988, section 123.70, subdivision 7, is amended to read:

Subd. 7. Each school or day care facility shall maintain on file immunization records for all persons in attendance ~~which contains that contain~~ the information required by subdivisions 1, 2, and 3. The department of health and the board of health, as defined in section 145A.02, subdivision 2, in whose jurisdiction the school or day care facility is located, shall have access to the files maintained pursuant to this subdivision. When a person transfers to another elementary or secondary school or day care facility, the administrator or other person having general control and supervision of the school or day care facility shall assist the person's parent or guardian in the transfer of the immunization file to the person's new school or day care facility within 30 days of the transfer. Upon the request of a public or private post-secondary educational institution, as defined in section 8, the administrator or other person having general control or supervision of a school shall assist in the transfer of a student's immunization file to the post-secondary institution.

Sec. 5. Minnesota Statutes 1988, section 123.70, subdivision 8, is amended to read:

Subd. 8. The administrator or other person having general control and supervision of the elementary or secondary school shall file a report with the

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commissioner of education on all ~~children~~ persons enrolled in the school, except that the superintendent of each school district shall file a report with the commissioner of education for all persons within the district receiving instruction in a home school in compliance with sections 120.101 and 120.102. The parent of persons receiving instruction in a home school shall submit the statements as required by subdivisions 1, 2, and 4 to the superintendent of the school district in which the person resides by October 1 of each school year. The school report shall be prepared on forms developed jointly by the commissioner of health and the commissioner of education and be distributed to the local school districts by the commissioner of health and shall state the number of ~~children~~ persons attending the school, the number of ~~children~~ persons who have not been immunized according to subdivision 1 or 2, and the number of ~~children~~ persons who received an exemption under subdivision 3, clause (c) or (d). The school report shall be filed with the commissioner of education within 60 days of the commencement of each new school term. The commissioner of education shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The administrator or other person having general control and supervision of the day care facility shall file a report with the commissioner of human services on all ~~children~~ persons enrolled in the day care facility. The day care facility report must be prepared on forms developed jointly by the commissioner of health and the commissioner of human services and be distributed to day care facilities by the commissioner of health and must state the number of ~~children~~ persons enrolled in the facility, the number of ~~children~~ persons with no immunizations, the number of ~~children~~ persons who received an exemption under subdivision 3, clause (c) or (d), and the number of ~~children~~ persons with partial or full immunization histories. The day care facility report shall be filed with the commissioner of human services by November 1 of each year. The commissioner of human services shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The report required by this subdivision is not required of a family day care or group family day care facility.

Sec. 6. Minnesota Statutes 1988, section 123.70, subdivision 9, is amended to read:

Subd. 9. As used in this section the following terms have the meanings given them.

(a) "~~Elementary or secondary school~~" includes any public, private, or parochial school as defined in section 120.05, or nonpublic school, church, or religious organization, or home school in which a child is provided instruction in compliance with sections 120.101 and 120.102.

(b) "Person enrolled in any elementary or secondary school" means a person enrolled in grades kindergarten through 12 and a handicapped child receiving special instruction and services as required in section 120.17, excluding a child being provided services according to section 120.17, subdivision 2, clause (c) or (g).

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(c) "Family day care" means day care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(e) (d) "Group family day care" means day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Sec. 7. Minnesota Statutes 1988, section 123.70, is amended by adding a subdivision to read:

Subd. 10. A statement required to be submitted under subdivisions 1, 2, and 4 to document evidence of immunization shall include month, day, and year for immunizations administered after January 1, 1990.

Sec. 8. [135A.14] STATEMENT OF IMMUNIZATION OF POST-SECONDARY STUDENTS.

Subdivision 1. DEFINITIONS. As used in this section, the following terms have the meanings given them.

(a) "Administrator" means the administrator of the institution or other person with general control and supervision of the institution.

(b) "Public or private post-secondary educational institution" or "institution" means any of the following institutions having an enrollment of more than 100 persons during any quarter, term, or semester during the preceding year: (1) the University of Minnesota; (2) the state universities; (3) the state community colleges; (4) public technical institutes; (5) private four-year, professional and graduate institutions; (6) private two-year colleges; and (7) schools subject to either chapter 141, sections 136A.61 to 136A.71, or schools exempt under section 136A.657, and which offer educational programs within the state for an academic year greater than six consecutive months. An institution's report to the Minnesota higher education coordinating board or the Minnesota department of education may be considered when determining enrollment.

(c) "Student" means a person born after 1956 and who is (1) registering for more than one class during a full academic term, such as a quarter or a semester; or (2) housed on campus and is registering for one or more classes. Student does not include persons enrolled in extension classes only or correspondence classes only.

Subd. 2. STATEMENT OF IMMUNIZATION REQUIRED. Except as provided in subdivision 3, no student may remain enrolled in a public or private post-secondary educational institution unless the student has submitted to the administrator a statement that the student has received appropriate immunization against measles, rubella, and mumps after having attained the age of 12 months, and against diphtheria and tetanus within ten years of first registra-

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tion at the institution. This statement must indicate the month and year of each immunization given. Instead of submitting a statement, a student may provide an immunization record maintained by a school according to section 123.70, subdivision 7, or a school in another state if the required information is contained in the record.

Subd. 3. EXEMPTIONS FROM IMMUNIZATION. (a) An immunization listed in subdivision 2 is not required if the student submits to the administrator a statement signed by a physician that shows:

- (1) that, for medical reasons, the student did not receive an immunization;
- (2) that the student has experienced the natural disease against which the immunization protects; or
- (3) that a laboratory has confirmed the presence of adequate immunity.

(b) If the student submits a notarized statement that the student has not been immunized as required in subdivision 2 because of the student's conscientiously held beliefs, the immunizations described in subdivision 2 are not required. The institution shall forward this statement to the commissioner of health.

Subd. 4. IMMUNIZATION FILES REQUIRED. The institution must maintain an immunization record within the student's file for all students governed by this section. The immunization records may be inspected by the department of health and the local board of health in whose jurisdiction the institution is located.

Subd. 5. DEADLINE FOR SUBMITTING STATEMENT. The institution shall require that the statement from the student, as required within subdivision 2 or 3, be submitted within 45 days of commencement of the academic term for which the student has registered.

Sec. 9. EFFECTIVE DATE.

Sections 1 to 3 and 5 are effective July 1, 1989. Sections 4, 6, and 8 are effective July 1, 1990. Section 7 is effective January 1, 1990.

Presented to the governor May 19, 1989

Signed by the governor May 19, 1989, 11:40 p.m.

CHAPTER 216—H.F.No. 949

An act relating to traffic safety; increasing penalties for persons convicted of DWI after a previous conviction for criminal vehicular operation; amending Minnesota Statutes 1988, section 169.121, subdivision 3.

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