

Part 3 Immunization of Students

53A-11-301 Certificate of immunization required.

- (1) Unless exempted for personal, medical, or religious objections as provided in Section 53A-11-302, a student may not attend a public, private, or parochial kindergarten, elementary, or secondary school through grade 12, nursery school, licensed day care center, child care facility, family care home, or headstart program in this state unless there is presented to the appropriate official of the school a certificate of immunization from a licensed physician or authorized representative of the state or local health department stating that the student has received immunization against communicable diseases as required by rules adopted under Section 53A-11-303.
- (2) School districts may not receive weighted pupil unit money for a student unless the student has obtained a certificate of immunization under this section or qualifies for conditional enrollment or an exemption from immunization under Section 53A-11-302.

Amended by Chapter 53, 1992 General Session

53A-11-302 Immunizations required -- Exceptions -- Grounds for exemption from required immunizations.

- (1) A student may not enter school without a certificate of immunization, except as provided in this section.
- (2) Except as provided in Section 53A-1-1001, a student who at the time of school enrollment has not been completely immunized against each specified disease may attend school under a conditional enrollment if the student has received one dose of each specified vaccine prior to enrollment.
- (3) A student is exempt from receiving the required immunizations if there is presented to the appropriate official of the school one or more of the following:
 - (a) a certificate from a licensed physician stating that due to the physical condition of the student one or more specified immunizations would endanger the student's life or health;
 - (b) A completed form obtained at the local health department where the student resides, providing:
 - (i) the information required under Subsection 53A-11-302.5(1); and
 - (ii) a statement that the person has a personal belief opposed to immunizations, which is signed by one of the individuals listed in Subsection 53A-11-302(3)(c) and witnessed by the local health officer or his designee; or
 - (c) a statement that the person is a bona fide member of a specified, recognized religious organization whose teachings are contrary to immunizations, signed by one of the following persons:
 - (i) one of the student's parents;
 - (ii) the student's guardian;
 - (iii) a legal age brother or sister of a student who has no parent or guardian; or
 - (iv) the student, if of legal age.

Amended by Chapter 395, 2010 General Session

53A-11-302.5 Personal belief immunization exemption.

- (1) The Department of Health shall provide to all local health departments a form to be used by persons claiming an exemption from immunization requirements based on a personal belief opposed to immunization. The form shall include a statement printed on the form and drafted by the Department of Health stating the department's position regarding the benefits of immunization. The form shall require, at a minimum:
 - (a) a statement claiming exemption from immunizations required under Section 53A-11-302, signed by a person listed under Subsection 53A-11-302(3)(c);
 - (b) the name and address of the person who signs the form;
 - (c) the name of the student exempted from immunizations; and
 - (d) the school at which the student is enrolling.
- (2)
 - (a) The Department of Health shall provide these forms to the local health departments.
 - (b) Local health departments shall make the forms available to the public upon request.
- (3)
 - (a) A student enrolling in a school and who claims exemption from immunizations based on a personal belief shall complete the form described in Subsection (1) and provide it to the school officials at the school in which the student is enrolling.
 - (b) Students who prior to July 1, 1992, claimed an exemption from immunizations based on personal beliefs shall prior to December 1, 1992, complete the form described in Subsection (1) and provide it to the appropriate official of the school the student attends.

Enacted by Chapter 129, 1992 General Session

53A-11-303 Regulations of department.

- (1) The Department of Health shall adopt rules to establish which immunizations are required and the manner and frequency of their administration.
- (2) The rules adopted shall conform to recognized standard medical practices.
- (3) The rules shall require the reporting of statistical information and names of noncompliers by the schools.

Enacted by Chapter 2, 1988 General Session

53A-11-304 Certificate part of student's record -- Forms for certificates -- Transfer of immunization record to official certificate.

- (1) Each school shall retain official certificates of immunization for every enrolled student. The certificate becomes a part of the individual student's permanent school record and follows the student through his or her public or private school career.
- (2) The Department of Health shall provide official certificate of immunization forms to public and private schools, physicians, and local health departments. The forms referred to in this subsection shall include a clear statement of the student's rights under Section 53A-11-302.
- (3) Any immunization record provided by a licensed physician, registered nurse, or public health official may be accepted by a school official as a certificate of immunization if the type of immunization given and the dates given are specified and the information is transferred to an official certificate of immunization and verified by the school district in which the public or private school is located.

Enacted by Chapter 2, 1988 General Session

53A-11-305 Immunization by local health departments -- Fees.

- (1) If a student has not been immunized against a disease specified by the Department of Health, he may be immunized by the local health department upon the request of his parent or guardian, or upon the student's request if he is of legal age. The local health department may charge a fee to cover the cost of administration of the vaccine.
- (2) The vaccine necessary for immunizations required under Sections 53A-11-301 and 53A-11-303 shall be furnished to local departments of health by the Department of Health. The Department of Health may recover all or part of the cost of vaccines purchased with state funds by charging local health departments a fee for those vaccines. Local health departments may pass the cost of the vaccine on to the student, his parent or guardian, or other responsible party. However, a child may not be refused immunizations by the local health department in his area of residence because of inability to pay.
- (3) The Department of Health shall establish the fee for administration of vaccines, as provided by Subsection (1), and shall establish fees for vaccines.

Amended by Chapter 202, 1988 General Session

53A-11-306 Conditional enrollment -- Suspension for noncompliance -- Procedure.

- (1) Conditional enrollment time periods may be modified by the department by legally adopted rules.
- (2) The requirements for conditional enrollment shall apply to each student unless that student is exempted under Section 53A-11-302.
- (3) After five days written notice of a pending suspension and of the student's rights under Section 53A-11-302 shall be mailed to the last-known address of a parent, guardian, or legal age brother or sister of a student who is without parent or guardian, the governing authority of any school shall prohibit further attendance by a student under a conditional enrollment who has failed to obtain the immunization required within time period set forth in Section 53A-11-302 or otherwise established by rule.
- (4) Parents or guardians of children who are prohibited from attending school for failure to comply with the provisions of this part shall be referred to the juvenile court.

Enacted by Chapter 2, 1988 General Session