

Effective 1/24/2018

**Part 3
Immunization Requirements**

Effective 7/1/2018

53G-9-301 Definitions.

As used in this part:

- (1) "Department" means the Department of Health, created in Section 26-1-4.
- (2) "Health official" means an individual designated by a local health department from within the local health department to consult and counsel parents and licensed health care providers, in accordance with Subsection 53G-9-304(2)(a).
- (3) "Health official designee" means a licensed health care provider designated by a local health department, in accordance with Subsection 53G-9-304(2)(b), to consult with parents, licensed health care professionals, and school officials.
- (4) "Immunization" or "immunize" means a process through which an individual develops an immunity to a disease, through vaccination or natural exposure to the disease.
- (5) "Immunization record" means a record relating to a student that includes:
 - (a) information regarding each required vaccination that the student has received, including the date each vaccine was administered, verified by:
 - (i) a licensed health care provider;
 - (ii) an authorized representative of a local health department;
 - (iii) an authorized representative of the department;
 - (iv) a registered nurse; or
 - (v) a pharmacist;
 - (b) information regarding each disease against which the student has been immunized by previously contracting the disease; and
 - (c) an exemption form identifying each required vaccination from which the student is exempt, including all required supporting documentation described in Section 53G-9-303.
- (6) "Legally responsible individual" means:
 - (a) a student's parent;
 - (b) the student's legal guardian;
 - (c) an adult brother or sister of a student who has no legal guardian; or
 - (d) the student, if the student:
 - (i) is an adult; or
 - (ii) is a minor who may consent to treatment under Section 26-10-9.
- (7) "Licensed health care provider" means a health care provider who is licensed under Title 58, Occupations and Professions, as:
 - (a) a medical doctor;
 - (b) an osteopathic doctor;
 - (c) a physician assistant; or
 - (d) an advanced practice registered nurse.
- (8) "Local education agency" or "LEA" means:
 - (a) a school district;
 - (b) a charter school; or
 - (c) the Utah Schools for the Deaf and the Blind.
- (9) "Local health department" means the same as that term is defined in Section 26A-1-102.

- (10) "Required vaccines" means vaccines required by department rule described in Section 53G-9-305.
- (11) "School" means any public or private:
 - (a) elementary or secondary school through grade 12;
 - (b) preschool;
 - (c) child care program, as that term is defined in Section 26-39-102;
 - (d) nursery school; or
 - (e) kindergarten.
- (12) "Student" means an individual who attends a school.
- (13) "Vaccinating" or "vaccination" means the administration of a vaccine.
- (14) "Vaccination exemption form" means a form, described in Section 53G-9-304, that documents and verifies that a student is exempt from the requirement to receive one or more required vaccines.
- (15) "Vaccine" means the substance licensed for use by the United States Food and Drug Administration that is injected into or otherwise administered to an individual to immunize the individual against a communicable disease.

Superseded 7/1/2018

53G-9-302 Certificate of immunization required.

- (1) Unless exempted for personal, medical, or religious objections as provided in Section 53G-9-303, 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 53G-9-305.
- (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 53G-9-303.

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53G-9-302 Immunization required -- Exception -- Weighted pupil unit funding.

- (1) A student may not attend a school unless:
 - (a) the school receives an immunization record from the legally responsible individual of the student, the student's former school, or a statewide registry that shows:
 - (i) that the student has received each vaccination required by the department under Section 53G-9-305; or
 - (ii) for any required vaccination that the student has not received, that the student:
 - (A) has immunity against the disease for which the vaccination is required, because the student previously contracted the disease as documented by a health care provider, as that term is defined in Section 78B-3-103; or
 - (B) is exempt from receiving the vaccination under Section 53G-9-303;
 - (b) the student qualifies for conditional enrollment under Section 53G-9-308; or
 - (c) the student:
 - (i) is a student, as defined in Section 53E-3-903; and

- (ii) complies with the immunization requirements for military children under Section 53E-3-905.
- (2) An LEA may not receive weighted pupil unit money for a student who is not permitted to attend school under Subsection (1).

Superseded 7/1/2018

53G-9-303 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 53E-3-905, 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 53G-9-304(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 53G-9-303(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.

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53G-9-303 Grounds for exemption from required vaccines -- Renewal.

- (1) A student is exempt from the requirement to receive a vaccine required under Section 53G-9-305 if the student qualifies for a medical or personal exemption from the vaccination under Subsection (2) or (3).
- (2) A student qualifies for a medical exemption from a vaccination required under Section 53G-9-305 if the student's legally responsible individual provides to the student's school:
 - (a) a completed vaccination exemption form; and
 - (b) a written notice signed by a licensed health care provider stating that, due to the physical condition of the student, administration of the vaccine would endanger the student's life or health.
- (3) A student qualifies for a personal exemption from a vaccination required under Section 53G-9-305 if the student's legally responsible individual provides to the student's school a completed vaccination exemption form, stating that the student is exempt from the vaccination because of a personal or religious belief.

- (4)
- (a) A vaccination exemption form submitted under this section is valid for as long as the student remains at the school to which the form first is presented.
 - (b) If the student changes schools before the student is old enough to enroll in kindergarten, the vaccination exemption form accepted as valid at the student's previous school is valid until the earlier of the day on which:
 - (i) the student enrolls in kindergarten; or
 - (ii) the student turns six years old.
 - (c) If the student changes schools after the student is old enough to enroll in kindergarten but before the student is eligible to enroll in grade 7, the vaccination exemption form accepted as valid at the student's previous school is valid until the earlier of the day on which:
 - (i) the student enrolls in grade 7; or
 - (ii) the student turns 12 years old.
 - (d) If the student changes schools after the student is old enough to enroll in grade 7, the vaccination exemption form accepted as valid at the student's previous school is valid until the student completes grade 12.
 - (e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained through completion of the online education module created in Section 26-7-9 is valid for at least two years.

Superseded 7/1/2018

53G-9-304 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 53G-9-303, signed by a person listed under Subsection 53G-9-303(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.

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53G-9-304 Vaccination exemption form.

- (1) The department shall:

- (a) develop a vaccination exemption form that includes only the following information:
 - (i) identifying information regarding:
 - (A) the student to whom an exemption applies; and
 - (B) the legally responsible individual who claims the exemption for the student and signs the vaccination exemption form;
 - (ii) an indication regarding the vaccines to which the exemption relates;
 - (iii) a statement that the claimed exemption is for:
 - (A) a medical reason; or
 - (B) a personal or religious belief; and
 - (iv) an explanation of the requirements, in the event of an outbreak of a disease for which a required vaccine exists, for a student who:
 - (A) has not received the required vaccine; and
 - (B) is not otherwise immune from the disease; and
 - (b) provide the vaccination exemption form created in this Subsection (1) to local health departments.
- (2)
- (a) Each local health department shall designate one or more individuals from within the local health department as a health official to consult, regarding the requirements of this part, with:
 - (i) parents, upon the request of parents;
 - (ii) school principals and administrators; and
 - (iii) licensed health care providers.
 - (b) A local health department may designate a licensed health care provider as a health official designee to provide the services described in Subsection (2)(a).
- (3)
- (a) To receive a vaccination exemption form described in Subsection (1), a legally responsible individual shall complete the online education module described in Section 26-7-9, permitting an individual to:
 - (i) complete any requirements online; and
 - (ii) download and print the vaccine exemption form immediately upon completion of the requirements.
 - (b) A legally responsible individual may decline to take the online education module and obtain a vaccination exemption form from a local health department if the individual:
 - (i) requests and receives an in-person consultation at a local health department from a health official or a health official designee regarding the requirements of this part; and
 - (ii) pays any fees established under Subsection (4)(b).
- (4)
- (a) Neither the department nor any other person may charge a fee for the exemption form offered through the online education module in Subsection (3)(a).
 - (b) A local health department may establish a fee of up to \$25 to cover the costs of providing an in-person consultation.

Superseded 7/1/2018

53G-9-305 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.

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53G-9-305 Regulations of department.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules regarding:
 - (a) which vaccines are required as a condition of attending school;
 - (b) the manner and frequency of the vaccinations; and
 - (c) the vaccination exemption form described in Section 53G-9-304.
- (2) The department shall ensure that the rules described in Subsection (1):
 - (a) conform to recognized standard medical practices; and
 - (b) require schools to report to the department statistical information and names of students who are not in compliance with Section 53G-9-302.

Superseded 7/1/2018

53G-9-306 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 53G-9-303.
- (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.

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53G-9-306 Immunization record part of student's record -- School review process at enrollment -- Transfer.

- (1) Each school:
 - (a) shall request an immunization record for each student at the time the student enrolls in the school;
 - (b) may not charge a fee related to receiving or reviewing an immunization record or a vaccination exemption form; and
 - (c) shall retain an immunization record for each enrolled student as part of the student's permanent school record.
- (2)
 - (a) Within five business days after the day on which a student enrolls in a school, an individual designated by the school principal or administrator shall:
 - (i) determine whether the school has received an immunization record for the student;

- (ii) review the student's immunization record to determine whether the record complies with Subsection 53G-9-302(1); and
 - (iii) identify any deficiencies in the student's immunization record.
- (b) If the school has not received a student's immunization record or there are deficiencies in the immunization record, the school shall:
- (i) place the student on conditional enrollment, in accordance with Section 53G-9-308; and
 - (ii) within five days after the day on which the school places the student on conditional enrollment, provide the written notice described in Subsection 53G-9-308(2).
- (3) A school from which a student transfers shall provide the student's immunization record to the student's new school upon request of the student's legally responsible individual.

Superseded 7/1/2018

53G-9-307 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 53G-9-302 and 53G-9-305 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.

Superseded 7/1/2018

53G-9-308 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 53G-9-303.
- (3) After five days written notice of a pending suspension and of the student's rights under Section 53G-9-303 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 53G-9-303 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.

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53G-9-308 Conditional enrollment -- Suspension for noncompliance -- Procedure.

- (1) A student for whom a school has not received a complete immunization record may attend the school on a conditional enrollment:
 - (a) during the period in which the student's immunization record is under review by the school; or
 - (b) for 21 calendar days after the day on which the school provides the notice described in Subsection (2).
- (2)
 - (a) Within five days after the day on which a school places a student on conditional enrollment, the school shall provide written notice to the student's legally responsible individual, in person or by mail, that:
 - (i) the school has placed the student on conditional enrollment for failure to comply with the requirements of Subsection 53G-9-302(1);
 - (ii) describes the identified deficiencies in the student's immunization record or states that the school has not received an immunization record for the student;
 - (iii) gives notice that the student will not be allowed to attend school unless the legally responsible individual cures the deficiencies, or provides an immunization record that complies with Subsection 53G-9-302(1), within the conditional enrollment period described in Subsection (1)(b); and
 - (iv) describes the process for obtaining a required vaccination.
 - (b) A school shall remove the conditional enrollment status from a student after the school receives an immunization record for the student that complies with Subsection 53G-9-302(1).
 - (c) Except as provided in Subsection (2)(d), at the end of the conditional enrollment period, a school shall prohibit a student who does not comply with Subsection 53G-9-302(1) from attending the school until the student complies with Subsection 53G-9-302(1).
 - (d) A school principal or administrator:
 - (i) shall grant an additional extension of the conditional enrollment period, if the extension is necessary to complete all required vaccination dosages, for a time period medically recommended to complete all required vaccination dosages; and
 - (ii) may grant an additional extension of the conditional enrollment period in cases of extenuating circumstances, if the school principal or administrator and a school nurse, a health official, or a health official designee agree that an additional extension will likely lead to compliance with Subsection 53G-9-302(1) during the additional extension period.

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53G-9-309 School record of students' immunization status -- Confidentiality.

- (1) Each school shall maintain a current list of all enrolled students, noting each student:
 - (a) for whom the school has received a valid and complete immunization record;
 - (b) who is exempt from receiving a required vaccine; and
 - (c) who is allowed to attend school under Section 53G-9-308.
- (2) Each school shall ensure that the list described in Subsection (1) specifically identifies each disease against which a student is not immunized.
- (3) Upon the request of an official from a local health department in the case of a disease outbreak, a school principal or administrator shall:
 - (a) notify the legally responsible individual of any student who is not immune to the outbreak disease, providing information regarding steps the legally responsible individual may take to protect students;
 - (b) identify each student who is not immune to the outbreak disease; and

- (c) for a period determined by the local health department not to exceed the duration of the disease outbreak, do one of the following at the discretion of the school principal or administrator after obtaining approval from the local health department:
 - (i) provide a separate educational environment for the students described in Subsection (3)(b) that ensures the protection of the students described in Subsection (3)(b) as well as the protection of the remainder of the student body; or
 - (ii) prevent each student described in Subsection (3)(b) from attending school.
- (4) A name appearing on the list described in Subsection (1) is subject to confidentiality requirements described in Section 26-1-17.5 and Section 53E-9-202.