

2016 -- S 2292

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO EDUCATION - OFFENSES PERTAINING TO SCHOOLS

Introduced By: Senators Raptakis, Kettle, Lombardi, Morgan, and Jabour

Date Introduced: February 09, 2016

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-38-2 of the General Laws in Chapter 16-38 entitled "Offenses
2 Pertaining to Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is
3 hereby amended to read as follows:

4 **16-38-2. Immunization. --** (a) Every person upon entering any public or private school
5 including any college or university in this state as a pupil shall furnish to the administrative head
6 of the school evidence that the person has been immunized against any diseases that may from
7 time to time be prescribed by regulation of the director of health and tested for tuberculosis, or a
8 certificate from a licensed physician stating that the person is not a fit subject for immunization
9 for medical reasons, or a certificate signed by the pupil, if over eighteen (18) years of age, or by
10 the parent or guardian stating that immunization and/or testing for communicable diseases is
11 contrary to that person's religious beliefs [or contrary to a personal belief of the pupil or the parent](#)
12 [or guardian of the pupil](#). It shall be the responsibility of the administrative head of the school to
13 secure compliance with these regulations.

14 (b) Every child more than twenty-four (24) months of age, resident in the state of Rhode
15 Island, shall be eligible to receive the immunization against meningococcal disease. The
16 Department of Health shall include meningococcal vaccine in the department's immunization
17 program, established by § 23-1-44.

18 [\(c\) Notwithstanding the provisions of subsection \(a\) of this section, no person shall be](#)
19 [required to be immunized for human papillomavirus \(HPV\) as a condition of entering or inclusion](#)

1 [in any public or private school or university in this state.](#)

2 SECTION 2. Section 23-1-44 of the General Laws in Chapter 23-1 entitled "Department
3 of Health" is hereby amended to read as follows:

4 **23-1-44. Routine childhood and adult immunization vaccines.** -- (a) The department
5 of health shall include in the department's immunization program those vaccines for routine
6 childhood immunization as recommended by the Advisory Committee for Immunization
7 Practices (ACIP) and the Academy of Pediatrics (AAP), and for adult influenza immunization as
8 recommended by the ACIP, to the extent permitted by available funds. The childhood
9 immunization program includes administrative and quality assurance services and KIDSNET, a
10 confidential, computerized child health information system that is used to manage statewide
11 immunizations, as well as other public health preventive services, for all children in Rhode Island
12 from birth through age 18 [and shall only set minimum standards for those diseases which are](#)
13 [transmissible in a school environment.](#)

14 (b) The director of the department of health shall appoint an advisory committee that will
15 be convened after the ACIP makes a recommendation regarding adult immunization. The
16 committee will review the ACIP recommendations for the state, assess the vaccine cost and
17 feasibility, and advise the director of health and the office of the health insurance commissioner
18 regarding insurers and providers acting on the ACIP adult immunization recommendation. All
19 recommendations will be posted on the department of health website. The advisory committee
20 membership shall include, but not be limited to, a primary care provider, pharmacist,
21 representatives of the nursing home industry, the home health care industry and major insurers.

22 [\(c\) The director of the department of health shall be required to conduct a minimum of](#)
23 [three \(3\) public hearings whenever a change to the minimum standards for immunizations is](#)
24 [proposed.](#)

25 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would make several changes to the department of health's authority to mandate
2 certain vaccinations, would reinstate the philosophical exemption to vaccinations, and would
3 require public hearings when changes to required vaccinations are proposed.

4 This act would take effect upon passage.

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