

**ARKANSAS SENATE**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

\*\*\*\*\*

**Subtitle of Senate Bill No. 434**

"AN ACT TO REVISE THE RELIGIOUS EXEMPTION TO THE SCHOOL IMMUNIZATION  
REQUIREMENTS."

\*\*\*\*\*

**Amendment No. 4 to Senate Bill No. 434.**

Amend Senate Bill No. 434 as engrossed, S3/6/03:

Page 1, line 31, delete "Health may" and substitute "Health, and no other department or entity, may"

AND

Page 2, delete lines 10 and 11 and substitute the following:  
"participate in an annual application process developed in the rules and regulations of the Department of Health for medical, religious, and philosophical exemptions.

(C) The rules and regulations developed by the Department of Health for medical, religious, and philosophical exemptions shall include an annual application process by which parents participate in an education process to be coordinated by the Department of Health, including, but not limited to:

(i) Notarized statement requesting a religious, philosophical, or medical exemption from the Department of Health by the parents or legal guardian of the child regarding the objection;

(ii) Completion of an educational process developed by the Department of Health;

(iii) An informed consent from the parents or guardian that shall include a signed statement of refusal to vaccinate based on the Department of Health refusal to vaccinate form; and

(iv) A signed statement of understanding that:

(a) At the discretion of the Department of Health, the unimmunized child or individual may be removed from daycare or school during an outbreak if the child or individual is not fully vaccinated; and

(b) The child or individual shall not return to school until the outbreak has been resolved and the Department of Health approves the return to school.

(D) No exemptions may be granted under this subdivision (d)(4), until the application process has been implemented by the Department



of Health and completed by the applicant."

AND

Page 2, delete "(b)" and substitute "(b)(1)"

AND

Page 2 ,delete line 26 and substitute the following:

"of the individual.

(2)(A) The individual shall participate in an annual application process developed in the rules and regulations of the Department of Health for medical, religious, and philosophical exemptions.

(B) The rules and regulations developed by the Department of Health for medical, religious, and philosophical exemptions shall include an annual application process by which parents participate in an education process to be coordinated by the Department of Health, including, but not limited to:

(i) Notarized statement requesting a religious, philosophical, or medical exemption from the Department of Health by the parents or legal guardian of the child regarding the objection;

(ii) Completion of an educational process developed by the Department of Health;

(iii) An informed consent from the parents or guardian that shall include a signed statement of refusal to vaccinate based on the Department of Health refusal to vaccinate form; and

(iv) A signed statement of understanding that:

(a) At the discretion of the Department of Health, the unimmunized child or individual may be removed from daycare or school during an outbreak if the child or individual is not fully vaccinated; and

(b) The child or individual shall not return to school until the outbreak has been resolved and the Department of Health approves the return to school.

(3) No exemptions may be granted under this subsection (b), until the application process has been implemented by the Department of Health and completed by the applicant."

AND

Page 2, delete line 36 and page 3, delete lines 1 and 2

"(ii) The parents or legal guardian of the child shall participate in an annual application process developed in the rules and regulations of the Department of Health for medical, religious and philosophical exemptions.

(a) The rules and regulations developed by the Department of Health for medical, religious and philosophical exemptions shall include an annual application process by which parents participate in an education process to be coordinated by the Department of Health, including, but not limited to:

(1) Notarized statement requesting a religious, philosophical, or medical exemption from the Department of Health

by the parents or legal guardian of the child regarding the objection;  
(2) Completion of an educational process  
developed by the Department of Health;  
(3) An informed consent from the parents  
or guardian that shall include a signed statement of refusal to vaccinate  
based on the Department of Health refusal to vaccinate form; and  
(4) A signed statement of understanding  
that:

(A) At the discretion of the  
Department of Health, the unimmunized child or individual may be removed from  
daycare or school during an outbreak if the child or individual is not fully  
vaccinated; and

(B) The child or individual shall  
not return to school until the outbreak has been resolved and the Department  
of Health approves the return to school.

(b) No exemptions may be granted under this  
subdivision (d)(4), until the application process has been implemented by the  
Department of Health and completed by the applicant."

AND

Page 3, line 9, add the following

"SECTION 4. Arkansas Code § 20-7-306, concerning reports and assistance by the Department of Health to the House and Senate Interim Committees on Public Health, Welfare, and Labor, is amended to add an additional subsection to read as follows:

(c)(1)(A) With regard to §§ 6-18-702(d), 6-60-504(b), and 20-78-  
206(a)(2)(B), the Department of Health shall report every six (6) months to  
the House and Senate Interim Committees of Public Health, Welfare, and Labor  
regarding:

(i) The geographic patterns of exemptions,  
vaccination rates, and exemptions in those areas as well as the rest of the  
state, and

(ii) Disease incidence of vaccine preventable  
disease collected by the Department of Health.

(B) The collections of exemption information shall begin  
January 4, 2004.

(C) Reports shall begin at the first interim meeting of  
the House and Senate Interim Committees of Public Health, Welfare, and Labor.

(2) The Department of Health shall facilitate a study to include  
religious, philosophical, and medical exemption patterns and the incidence of  
disease in the state.

(A) The study shall include:

(i) An evaluation of the state's immunization  
policies;

(ii) The incidence of disease in Arkansas and other  
states; and

(iii) A risk evaluation of specific populations in  
Arkansas.

(B) The study shall begin July 3, 2003, and shall be  
completed by December 31, 2004.

(C) The study shall be a collaborative effort coordinated

by the Department of Health.

(3) The Department of Health shall issue a final assessment on the impact of this subsection (c) to the Senate and House Public Health, Welfare, and Labor Committees during the 2005 regular session of the General Assembly.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the federal District Courts for the Eastern and Western Districts of Arkansas have held the state's school immunization statute to be unconstitutional, that the courts have stayed the effect of the finding, that if the stay is lifted before this act becomes effective, some students will be excluded from school attendance. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

"

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senators Critcher, Malone

MGF/CDW - 031220030929

CDW263

\_\_\_\_\_  
Secretary