

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1043

5 By: Representative Brown  
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## For An Act To Be Entitled

8 AN ACT TO MODIFY THE IMMUNIZATION AND VACCINE  
9 REQUIREMENTS FOR STUDENTS IN ELEMENTARY AND SECONDARY  
10 EDUCATION; TO REMOVE IMMUNIZATION EXEMPTIONS FOR  
11 RELIGIOUS AND PHILOSOPHICAL BELIEFS; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 TO MODIFY THE IMMUNIZATION AND VACCINE  
16 REQUIREMENTS FOR STUDENTS IN ELEMENTARY  
17 AND SECONDARY EDUCATION; AND TO REMOVE  
18 IMMUNIZATION EXEMPTIONS FOR RELIGIOUS AND  
19 PHILOSOPHICAL BELIEFS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 6-18-702 is amended to read as follows:  
26 6-18-702. Immunization.

27 (a) Except as otherwise provided by law, ~~ne~~ an infant or child shall  
28 not be admitted to a public or private school or child care facility of this  
29 state ~~who has not~~ unless he or she has been age-appropriately immunized from  
30 poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles,  
31 rubella, hepatitis B, rotavirus, pneumococcus, haemophilus, hepatitis A, and  
32 other diseases as designated by the State Board of Health, as evidenced by a  
33 certificate of a licensed physician or a public health department  
34 acknowledging the immunization.

35 (b)(1) The responsibility for the enforcement of this section rests  
36 equally with each school district of this state and the parent or guardian of



1 the child or pupil, and each of them shall be separately and individually  
2 liable for permitting any violation of this section.

3 (2)(A) The Division of Child Care and Early Childhood Education  
4 of the Department of Human Services shall be responsible for enforcing this  
5 section with respect to child care facilities.

6 (B) The division may promulgate appropriate rules and  
7 regulations, to be approved by the Arkansas Early Childhood Commission, for  
8 the enforcement of this section.

9 (C) The owners or managers of those facilities and any  
10 parent or guardian violating the regulations shall be subject to the  
11 penalties provided in the Child Care Facility Licensing Act, § 20-78-201 et  
12 seq.

13 (c)(1)(A)(i) The division shall be responsible for enforcing this  
14 section with respect to child care facilities.

15 (ii) The division may promulgate appropriate rules  
16 and regulations for the enforcement of this section.

17 (B) The owners or managers of those facilities and any  
18 parent or guardian violating the regulations shall be subject to the  
19 penalties provided in the Child Care Facility Licensing Act, § 20-78-201 et  
20 seq.

21 (2)(A) Regarding kindergarten through grade twelve (K-12), the  
22 State Board of Education, after having consulted with the State Board of  
23 Health, shall promulgate appropriate rules and regulations for the  
24 enforcement of this section by school district boards of directors,  
25 superintendents, and principals.

26 (B) Any school official, parent, or guardian violating the  
27 regulations shall be subject to the penalties imposed in this section.

28 (d)(1)(A) The State Board of Health shall promulgate rules and  
29 regulations to ensure that ~~all exemptions~~ an exemption provided by this  
30 section shall have a minimal effect on the health and safety of all children  
31 attending day care or kindergarten through grade twelve (K-12).

32 (B) The rules shall provide for, but are not limited to,  
33 the tracking of those children with exemptions so that appropriate steps may  
34 be taken in the event of an outbreak or epidemic.

35 (2) The Department of Health, and no other department or entity,  
36 shall grant exemptions provided by this section.

1           (3) If, in the discretion of the health authority having  
2 jurisdiction, ~~or of any physician licensed to practice by the Arkansas State~~  
3 ~~Medical Board~~ any person to whom this section applies shall be deemed to have  
4 a physical disability that may contraindicate vaccination, a certificate to  
5 that effect issued by the health officer may be accepted in lieu of a  
6 certificate of vaccination, provided that the exemption shall not apply when  
7 the disability shall have been removed.

8           ~~(4)(A) This section shall not apply if the parents or legal~~  
9 ~~guardian of that child object thereto on the grounds that immunization~~  
10 ~~conflicts with the religious or philosophical beliefs of the parent or~~  
11 ~~guardian.~~

12           ~~(B) The parents or legal guardian of the child shall~~  
13 ~~complete an annual application process developed in the rules and regulations~~  
14 ~~of the Department of Health for medical, religious, and philosophical~~  
15 ~~exemptions.~~

16           ~~(C) The rules and regulations developed by the Department~~  
17 ~~of Health for medical, religious, and philosophical exemptions shall include,~~  
18 ~~but not be limited to:~~

19           ~~(i) A notarized statement requesting a religious,~~  
20 ~~philosophical, or medical exemption from the Department of Health by the~~  
21 ~~parents or legal guardian of the child regarding the objection;~~

22           ~~(ii) Completion of an educational component~~  
23 ~~developed by the Department of Health that includes information on the risks~~  
24 ~~and benefits of vaccination;~~

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

28           ~~(iv) A signed statement of understanding that:~~

29           ~~(a) At the discretion of the Department of~~  
30 ~~Health, the unimmunized child or individual may be removed from day care or~~  
31 ~~school during an outbreak if the child or individual is not fully vaccinated;~~  
32 ~~and~~

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

36           ~~(D) No exemptions may be granted under this subdivision~~

1 ~~(d)(4) until the application process has been implemented by the Department~~  
2 ~~of Health and completed by the applicant.~~

3 ~~(5)(4)~~ Furthermore, the provisions of this section requiring  
4 pertussis vaccination shall not apply to any child with a sibling, either  
5 whole blood or half blood, who has had a serious adverse reaction to the  
6 pertussis antigen, which reaction resulted in a total permanent disability.

7 (e) Any person found guilty of violating this section or the  
8 regulations promulgated by the State Board of Education or the division for  
9 the enforcement of this section shall be guilty of a violation and upon  
10 conviction shall be fined not less than twenty-five dollars (\$25.00) nor more  
11 than one hundred dollars (\$100) for each offense.

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