

Nebraska Vaccine Exemption Laws

NEBRASKA REVISED STATUTES CHAPTER 71. PUBLIC HEALTH AND WELFARE

71-1913.01 Immunization requirements; record; report.

(1) Each program shall require the parent or guardian of each child enrolled in such program to present within thirty days after enrollment and periodically thereafter

(a) proof that the child is protected by age-appropriate immunization against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, tetanus, haemophilus influenzae type B, and invasive pneumococcal disease and such other diseases as the department may from time to time specify based on then current medical and scientific knowledge,

(b) certification by a physician, an advanced practice registered nurse practicing under and in accordance with his or her respective certification act, or a physician assistant that immunization is not appropriate for a stated medical reason, or

(c) a written statement that the parent or guardian does not wish to have such child so immunized and the reasons therefor. The program shall exclude a child from attendance until such proof, certification, or written statement is provided. At the time the parent or guardian is notified that such information is required, he or she shall be notified in writing of his or her right to submit a certification or written statement pursuant to subdivision (b) or (c) of this subsection.

(2) Each program shall keep the written record of immunization, the certification, or the written statement of the parent or guardian. Such record, certification, or statement shall be kept by the program as part of the child's file, shall be available onsite to the department, and shall be filed with the department for review and inspection. Each program shall report to the department by November 1 of each year the status of immunization for children enrolled as of September 30 of that year, and children who have reached kindergarten age and who are enrolled in public or private school need not be included in the report.

71-1913.02 Immunization reports; audit; deficiencies; duties.

(1) The department shall perform annually a random audit of the reports submitted under section 71-1913.01 to check for compliance with such section on an annual basis and such other audits and inspections as are necessary to prevent the introduction or spread of disease. Audit results shall be reported to the department.

(2) If the department discovers noncompliance with section 71-1913.01, the department shall allow a noncomplying program thirty days to correct deficiencies.

(3) The department shall develop and provide educational and other materials to programs and the public as may be necessary to implement section 71-1913.01.

71-1913.03 Immunization; department; adopt rules and regulations.

The department shall adopt and promulgate rules and regulations relating to the required levels of protection, using as a guide the recommendations of the American Academy of Pediatrics and the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, Public Health Service, and the methods, manner, and frequency of reporting of each child's immunization status. The department shall furnish each program with copies of such rules and regulations and any other material which will assist in carrying out section 71-1913.01.

**NEBRASKA REVISED STATUTES
CHAPTER 79. SCHOOLS**

79-217 School board and governing authority; student; immunization against certain contagious diseases; exception.

Except as provided in sections 79-221 and 79-222, the school board or board of education of each school district and the governing authority of each private, denominational, or parochial school in this state shall require each student to be protected against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, and tetanus by immunization prior to enrollment. Any student who does not comply with this section shall not be permitted to continue in school until he or she so complies, except as provided by section 79-222. Each school district shall make diligent efforts to inform families prior to the date of school registration of the immunization requirements of this section.

Except as provided in the Childhood Vaccine Act, the cost of such immunization shall be borne by the parent or guardian of each student who is immunized or by the Department of Health and Human Services for those students whose parent or guardian is financially unable to meet such cost.

79-218 School board and governing authority; immunization clinics; request assistance.

Any school board or board of education of a school district or the governing authority of a private, denominational, or parochial school in this state may request assistance from the Department of Health and Human Services in establishing immunization clinics. Such assistance shall consist of vaccines, serums, and other supplies, services, and guidance from the Department of Health and Human Services.

79-219 Student; immunization status; Department of Health and Human Services; rules and regulations.

The Department of Health and Human Services shall adopt and promulgate rules and regulations relating to the required levels of protection, provisional enrollment under the provisions of section 79-222, the evidence necessary to prove that the required examination or immunization has been received, and the reporting of each student's immunization status. The department may modify, add to, or delete from the list of required immunizations set out in section 79-217. The department shall furnish local school authorities with copies of such rules and regulations and any other material which will assist in the carrying out of sections 79-214 and 79-217 to 79-223.

79-220 Child; physical examination; visual evaluation; immunization; right of refusal.

At the time the parent or guardian of any child is notified that such child must have a physical examination and a visual evaluation pursuant to section 79-214 or immunizations pursuant to section 79-217, the parent or guardian shall also be notified in writing of

- (1) his or her right to submit a written statement refusing a physical examination, a visual evaluation, or immunization for his or her child and
- (2) a telephone number or other contact information to assist the parent or guardian in receiving information regarding free or reduced-cost visual evaluations for low-income families who qualify.

79-221 Immunization; when not required.

Immunization shall not be required for a student's enrollment in any school in this state if he or she submits to the admitting official either of the following:

- (1) A statement signed by a physician, a physician assistant, or an advanced practice registered nurse practicing under and in accordance with his or her respective certification act, stating that, in the health care provider's opinion, the immunizations required would be injurious to the health and well-being of the student or any member of the student's family or household; or
- (2) An affidavit signed by the student or, if he or she is a minor, by a legally authorized representative of the student, stating that the immunization conflicts with the tenets and practice of a recognized religious denomination of which the student is an adherent or member or that immunization conflicts with the personal and sincerely followed religious beliefs of the student.

79-222 Immunizations; provisional enrollment; conditions.

- (1) A student may be provisionally enrolled in a school in Nebraska if he or she meets either of the following qualifications:
 - (a) The student has begun the immunizations required under section 79-217 and is receiving the necessary immunizations as rapidly as is medically feasible; or
 - (b) The student is the child or legal ward of an officer or enlisted person on active duty in any branch of the military services of the United States or of his or her spouse, enrolling in a Nebraska school following residence in another state or in a foreign country.
- (2) As a condition for the provisional enrollment of a student qualified for such enrollment under subdivision (1)(b) of this section, a parent or adult legal guardian of the student shall provide the school with a signed written statement certifying that the student has completed the course of immunizations required by section 79-217.
- (3) The provisional enrollment of a student qualified for such enrollment under subdivision (1)(b) of this section shall not continue beyond sixty days from the date of such enrollment. At such time the school shall be provided, with regard to the student, written evidence of

compliance with section 79-217. The student shall not be permitted to continue in school until such evidence of compliance is provided.

79-223 Violations; penalty.

Any person violating the provisions of section 79-214, 79-217, 79-219, or 79-220 shall be guilty of a Class V misdemeanor.

NEBRASKA REVISED STATUTE

Chapter 85. STATE UNIVERSITY, STATE COLLEGES, AND POSTSECONDARY EDUCATION

85-902 Information on meningococcal disease; requirements.

(1) Beginning with school year 2003-04, each postsecondary educational institution shall provide to each newly enrolled student who will reside in oncampus housing and the student's parent or guardian:

- (a) Detailed information on the risks associated with the potentially fatal meningococcal disease;
- (b) the availability and effectiveness of a vaccine against the disease;
- (c) a recommendation that each student receive the meningococcal vaccination; and
- (d) information on the availability of an indigent patient fund to assist qualified persons with the cost of the vaccine.

(2) Each postsecondary educational institution shall request a confirmation signed by the student, parent, or guardian that the information provided has been received and reviewed.