

# Oklahoma Vaccine Exemption Laws

## OKLAHOMA STATUTES TITLE 10. CHILDREN

### **§10-411. Certificate of immunization as condition for admission to day care facility - Waiver.**

A. No person, firm, corporation, partnership or other legal entity operating a day care center or day care home in this state shall cause or permit a minor child two (2) months of age or older to be admitted to such facility unless and until the parent, guardian, or other related person of such child presents certification from a licensed physician or authorized representative of any state or local department of public health that such child has received or will receive immunization at the medically appropriate time against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, hepatitis A, varicella, and poliomyelitis; or presents such certification that the child is likely to be immune as a result of the disease. Provided, however, that in the event the parent, guardian, or other person presenting a child for admission to a day care center or day care home certifies in writing that a family emergency exists, the requirement imposed by this section may be waived for a period not to exceed thirty (30) days. Such certification shall be made prior to the provision of care. No such waiver shall be knowingly permitted more than once for any child.

B. The State Board of Health, by rule, may alter the list of immunizations required under this section after notice and hearing. Any change in the list of immunizations required shall be submitted to the next regular session of the Legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the State Board of Health may designate for that purpose. The State Board of Health shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.

### **§10-412. Manner and frequency of immunizations - Enforcement of act.**

A. The immunizations required by this act, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in this state. The State Department of Health shall supervise and secure the enforcement of the required immunization program.

B. The Department of Human Services shall render reasonable assistance to the State Department of Health in the enforcement of the provisions of this act. This assistance shall be in the form of revocation or denial of the license of any facility not in compliance with this act.

### **§10-413. Exemptions.**

**Any minor child, through his or her parent or guardian, may submit to the health authority charged with the enforcement of the immunization laws, a certificate of a licensed**

**physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child; or upon receipt of a written statement by the parent or guardian objecting to such immunizations because of religious or other reasons, then such child shall be exempt from the provisions of this act.**

**§10-414. Administration of immunizations - Persons eligible - Indigent persons.**

The immunizations shall be administered by, or under the direction of, a licensed physician, or by any local or state health department. If the parent or guardian is unable to pay, the State Department of Health shall provide, without charge, the immunization materials required by this act.

**§10-415. Child with reportable contagious disease to be excluded from day care facility.**

Any child afflicted with a reportable contagious disease shall be excluded from attending a day care center or day care home until such time as the period of communicability has elapsed as determined by a licensed physician or health department official. Such exclusion shall be reported to a local health department official.

**OKLAHOMA STATUTES  
TITLE 70. SCHOOLS**

**§70-1210.191. Certification - School children - List of immunization tests required.**

A. No minor child shall be admitted to any public, private, or parochial school operating in this state unless and until certification is presented to the appropriate school authorities from a licensed physician, or authorized representative of the State Department of Health, that such child has received or is in the process of receiving, immunizations against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, poliomyelitis, varicella, and hepatitis A or is likely to be immune as a result of the disease.

B. Immunizations required, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in the state. The State Department of Health shall supervise and secure the enforcement of the required immunization program. The State Department of Education and the governing boards of the school districts of this state shall render reasonable assistance to the State Department of Health in the enforcement of the provisions hereof.

C. The State Board of Health, by rule, may alter the list of immunizations required after notice and hearing. Any change in the list of immunizations required shall be submitted to the next regular session of the Legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the Board of Health may designate for that purpose. The State Board of Health shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.

D. The State Department of Education and the governing boards of the school districts of this state shall provide for release to the Oklahoma Health Care Authority of the immunization records of school children covered under Title XIX or Title XXI of the federal Social Security Act who have not received the required immunizations at the appropriate time. The information received pursuant to such release shall be transmitted by the Oklahoma Health Care Authority to medical providers who provide services to such children pursuant to Title XIX or Title XXI to assist in their efforts to increase the rate of childhood immunizations pursuant to the requirements of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services provisions. The provisions of this subsection shall not be construed to prohibit or affect the eligibility of any child to receive benefits pursuant to Title XIX or Title XXI of the Social Security Act or to require the immunization of any child if such child is exempt from the immunization requirements pursuant to law. The name of any child exempt from immunization pursuant to Section 1210.192 of this title shall not be included in the information transmitted pursuant to this subsection.

#### **§70-1210.192. Exemptions.**

Any minor child, through the parent, guardian, or legal custodian of the child, may submit to the health authority charged with the enforcement of the immunization laws of this state:

1. A certificate of a licensed physician as defined in Section 725.2 of Title 59 of the Oklahoma Statutes, stating that the physical condition of the child is such that immunization would endanger the life or health of the child; or
2. A written statement by the parent, guardian or legal custodian of the child objecting to immunization of the child; whereupon the child shall be exempt from the immunization laws of this state.

#### **§70-1210.193. Administration - Parents unable to pay**

The immunizations will be administered by a licensed physician, someone under his direction, or public health department. If the parents or guardians are unable to pay, the State Department of Public Health shall provide, without charge, the immunization materials required by this act to such pupils. The parents, guardian or person having legal custody of any child may claim an exemption from the immunizations on medical, religious or personal grounds.

#### **§70-1210.195. Dissemination of meningococcal meningitis information.**

A. At the beginning of each school year, when the board of education of a school district provides information on immunizations, infectious disease, medications, or other school health issues to parents and guardians of students in grades six through twelve, the board shall include information about meningococcal meningitis. The information shall include at least the causes and symptoms of meningococcal meningitis, how it is spread, sources for additional information about meningococcal meningitis, and the availability, effectiveness, and risks of vaccination against the disease.

B. The State Department of Education, in cooperation with the State Department of Health, shall develop and make available to school districts information that meets the requirements of subsection A of this section. The State Department of Education shall develop and make the information available in the most cost-effective and programmatically effective manner available

as determined by the Department, which shall at a minimum include posting the information on the Department's website.

**§70-3243. Provision of information on meningococcal disease - Vaccination - Waiver.**

A. Beginning with the 2004-2005 academic year, public or private postsecondary educational institutions shall provide detailed information on the risks associated with meningococcal disease and the risks and benefits of the vaccination as well as the availability of vaccine to students who reside or plan to reside in on-campus student housing.

B. Beginning with the 2004-2005 academic year, students who are first-time enrollees in any public or private postsecondary educational institution in this state and who reside in on-campus student housing shall be vaccinated against meningococcal disease, unless:

1. In the case of an individual who is eighteen (18) years of age or older, the individual signs a written waiver provided by the institution of higher education stating that the individual has received and reviewed the information provided and has chosen not to be vaccinated against meningococcal disease; or

2. In the case of an individual who is a minor, the individual's parent or guardian signs a written waiver provided by the institution of higher education stating that the parent or guardian has received and reviewed the information provided and has chosen not to have the individual vaccinated against meningococcal disease.

C. The Oklahoma State Regents for Higher Education shall consult the State Department of Health regarding the preparation of the informational material and waiver form required in subsection B of this section. The Regents shall provide the material and form to all public or private postsecondary educational institutions with on-campus student housing in this state. It shall be the responsibility of the governing body or board of regents for each public or private postsecondary institution or group of institutions to adopt policies for the implementation of this section.

D. Public or private postsecondary institutions in this state shall not be required to provide or pay for vaccinations against meningococcal disease.

Added by Laws 2003, c. 322, § 1, eff. Nov. 1, 2003.

**§70-3244. Documentation of vaccinations by students - Exemption - Exceptions for certain categories of students.**

A.

1. Beginning with the 2004-2005 academic year, in order to enroll as a full-time or part-time student in an institution within The Oklahoma State System of Higher Education or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of Title 70 of the Oklahoma Statutes, an individual shall provide written documentation of vaccinations against hepatitis B, measles, mumps, and rubella (MMR).

2. The requirement shall not apply to students enrolling in courses delivered via the Internet or distance learning in which the student is not required to attend class on campus.

B. Beginning with the 2004-2005 academic year, institutions shall notify students of the requirements of subsection A of this section and provide students with educational information on hepatitis B, measles, mumps, and rubella (MMR) upon enrollment. Such information shall also include the risks and benefits of the vaccination. Institutions shall not be required to provide or pay for vaccinations against hepatitis B, measles, mumps, and rubella (MMR).

C. A written statement from a licensed physician indicating that a vaccine is medically contraindicated shall exempt a student from the vaccination. A student shall be exempt from the vaccination if the student submits a written, signed statement declaring that the administration of the vaccine conflicts with the student's moral or religious tenets or, if the student is a minor, the student's parent or guardian provides a written statement that the administration of the vaccine conflicts with the parent's or guardian's moral or religious tenets.

D. It shall be the responsibility of the governing body or board of regents for each public or private postsecondary institution or group of institutions to adopt policies for the implementation of this section. In adopting these policies the relevant governing body or board of regents may include exceptions for certain categories of students at its discretion.