



SPONSOR: Rep. Matthews & Sen. Hall-Long
Reps. Hudson, Keeley, Lynn, Mitchell, Osienski, Outten,
Potter, Viola; Sen. McDowell

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 91

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE PUBLIC SCHOOL ENROLLEES' IMMUNIZATION PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §131(a), Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 131 Public school enrollees' immunization program; exemptions.

(a) The Department shall from time to time, with advice from the Division of Public Health, adopt and promulgate rules and regulations to establish an immunization program to protect pupils enrolled in public schools from certain diseases. Such rules and regulations shall include at least the following:

(5) Provision for exemption from any or all of the immunization program prescribed for a particular enrollee upon a written statement from a physician, i.e., medical doctor or doctor of osteopathy, stating that the enrollee should not receive the prescribed immunization or immunizations required in the basic series because of the reasonable certainty of a reaction detrimental to that person. The asserted cause of medical exemption may be subject to review and approval by the Division of Public Health. A history of clinical illness of measles or rubella shall not be accepted as cause for exemption. The parents or legal guardian of a child medically exempt from the immunization program shall be informed by schools of the provisions within paragraph (a)(7) of this section;

(6) Provision for exemption from the immunization program for an enrollee whose parents or legal guardian, because of individual religious beliefs, reject the concept of immunization. Such a request for exemption shall be supported by the affidavit herein set forth:

AFFIDAVIT OF RELIGIOUS BELIEF

STATE OF DELAWARE

_____ COUNTY }

1. (I) (We) (am) (are) the (parent(s)) (legal guardian(s)) of _____

Name of Child

22 2. (I) (We) hereby (swear) (affirm) that (I) (we) subscribe to a belief in a relation to a Supreme Being
23 involving duties superior to those arising from any human relation.

24 3. (I) (We) further (swear) (affirm) that our belief is sincere and meaningful and occupies a place in (my)
25 (our) life parallel to that filled by the orthodox belief in God.

26 4. This belief is not a political, sociological or philosophical view of a merely personal moral code.

27 5. This belief causes (me) (us) to request an exemption from the mandatory school vaccination program
28 for Name of Child.

29 6. (I) (We) acknowledge that, in the event that the Division of Public Health declares that there is an
30 outbreak of a vaccine preventable disease, or if in the estimation of the Division of Public Health, (my) (our) child
31 has had, or is at risk of having an exposure to a vaccine preventable disease, (my) (our) child shall be temporarily
32 excluded from attendance at the public school, in which case, it will be (my) (our) responsibility, along with the
33 school, to assist (my) (our) child in keeping up with school work, and (my) (our) child shall be authorized to return
34 to school once approved by the Division of Public Health.

35 7. (I) (We) acknowledge that (I) (we) have been given the opportunity to receive from the school district
36 information regarding the medical benefits and risks in choosing whether to have the child participate in the
37 immunization program, and if (I) (we) have not taken that opportunity, it is hereby waived.

38
39 _____
40 Signature of Parent(s) or Legal Guardian(s)
41

42 SWORN TO AND SUBSCRIBED before me, a registered Notary Public, this _____ day of

43 _____, _____

44 (Seal)

45 Notary Public

46 My commission expires:

47 (7) Provision that, in the event that the Division of Public Health of the Department of Health and Social
48 Services of the State declares that there is ~~throughout the State or in a particular definable region of the State an~~
49 ~~epidemic~~ an outbreak of a vaccine preventable disease or if in the estimation of the Division of Public Health any child
50 has had or is at risk of having an exposure to a vaccine preventable disease, any child who is enrolled in a public school
51 and who has been exempt from the immunization program for any of the causes authorized herein shall be temporarily

52 excluded from attendance at the public school. Rules and regulations of the Department shall provide that in the event
53 of such temporary exclusion, it will be the responsibility of the school and the parents or legal guardian of the enrollee
54 to assist the enrollee in keeping up with that enrollee's school work and that no academic penalty shall be suffered by
55 the enrollee upon return to school if the student has maintained that student's relationship with the school through the
56 assignments prescribed. An enrollee so temporarily excluded shall be authorized to return to school ~~upon the lifting by~~
57 ~~the Division of Public Health of the epidemic declaration~~ once approved by the Division of Public Health;

SYNOPSIS

This bill involves the public school immunization program. Currently, the Affidavit of Religious Belief does not expressly alert parents or guardians who file for the religious exemption from the program that the child will be temporarily excluded from school in the event of an epidemic of a vaccine preventable disease. This bill amends the required affidavit so parents or guardians are directly made aware of the possibility of the child's temporary exclusion from school. The bill also adds that the asserted cause of a medical exemption may be subject to review and approval by the Division of Public Health. Additionally, the bill would require the Division of Public Health to declare an outbreak, rather than the current language of an epidemic throughout the State or a particular definable region thereof.