



General Assembly

Amendment

January Session, 2021

LCO No. 7455



Offered by:
SEN. SOMERS, 18th Dist.

To: Subst. House Bill No. 6423

File No. 431

Cal. No. 320

"AN ACT CONCERNING IMMUNIZATIONS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 10-204a of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (b) The definitions of adequate immunization shall reflect the
7 schedule for active immunization adopted pursuant to section 19a-7f
8 and be established by regulation adopted in accordance with the
9 provisions of chapter 54 by the Commissioner of Public Health, who
10 shall also be responsible for providing procedures under which said
11 boards and said similar governing bodies shall collect and report
12 immunization data on each child to the Department of Public Health for
13 compilation and analysis by said department. Such boards and such
14 similar governing bodies shall inform its staff of the definitions of
15 adequate immunization and update its staff regarding any revisions to
16 such definitions as soon as practicable after such definitions have been

17 revised.

18 Sec. 2. Section 10-204a of the general statutes is amended by adding
19 subsection (d) as follows (*Effective from passage*):

20 (NEW) (d) If any child who (1) was exempt from the appropriate
21 provisions of this section prior to the effective date of this section
22 because such child or the parents or guardian of such child presented a
23 statement that immunizations would be contrary to the religious beliefs
24 of such child or the parents or guardian of such child, (2) cannot meet
25 the immunization requirements set forth in subsection (a) of this section
26 on or after the effective date of this section, and (3) is unable to remain
27 enrolled in any program operated by a public or nonpublic school on or
28 after the effective date of this section, the municipality in which the child
29 lives shall pay the expense of educating the child and the state shall
30 reimburse the municipality for the payment of such expense.

31 Sec. 3. (NEW) (*Effective from passage*) Each administrator, teacher and
32 staff member employed by a local or regional board of education, or
33 similar body governing a nonpublic school or schools, shall receive
34 adequate immunization against diphtheria, pertussis, tetanus,
35 poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B
36 and any other vaccine required by the schedule for active immunization
37 adopted pursuant to section 19a-7f of the general statutes as
38 recommended by the National Centers for Disease Control and
39 Prevention, and provide documentation of such immunization to the
40 local or regional board of education, or similar governing body.

41 Sec. 4. (NEW) (*Effective from passage*) Each administrator, faculty
42 member and staff member employed by an institution of higher
43 education shall receive adequate immunization against diphtheria,
44 pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus
45 influenzae type B and any other vaccine required by the schedule for
46 active immunization adopted pursuant to section 19a-7f of the general
47 statutes as recommended by the National Centers for Disease Control
48 and Prevention, and provide documentation of such immunization to

49 the local or regional board of education, or similar governing body.

50 Sec. 5. (NEW) (*Effective from passage*) Each operator, administrator,
51 teacher and staff member of a child care center and group child care
52 home shall receive adequate immunization against diphtheria,
53 pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus
54 influenzae type B and any other vaccine required by the schedule for
55 active immunization adopted pursuant to section 19a-7f of the general
56 statutes as recommended by the National Centers for Disease Control
57 and Prevention, and provide documentation of such immunization to
58 the local or regional board of education, or similar governing body.

59 Sec. 6. (NEW) (*Effective from passage*) Each operator, administrator,
60 teacher and staff member of a family child care home shall receive
61 adequate immunization against diphtheria, pertussis, tetanus,
62 poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B
63 and any other vaccine required by the schedule for active immunization
64 adopted pursuant to section 19a-7f of the general statutes as
65 recommended by the National Centers for Disease Control and
66 Prevention, and provide documentation of such immunization to the
67 local or regional board of education, or similar governing body.

68 Sec. 7. (NEW) (*Effective from passage*) Each operator, administrator,
69 teacher and staff member of a youth camp shall receive adequate
70 immunization against diphtheria, pertussis, tetanus, poliomyelitis,
71 measles, mumps, rubella, haemophilus influenzae type B and any other
72 vaccine required by the schedule for active immunization adopted
73 pursuant to section 19a-7f of the general statutes as recommended by
74 the National Centers for Disease Control and Prevention, and provide
75 documentation of such immunization to the local or regional board of
76 education, or similar governing body.

77 Sec. 8. (NEW) (*Effective from passage*) (a) Prior to September 1, 2022,
78 the State Department of Education shall develop a virtual learning
79 curriculum for students who are not eligible to enroll in a program
80 operated by a public or nonpublic school in the state because such

81 students do not meet the immunization requirements set forth in section
82 10-204a of the general statutes, as amended by this act.

83 (b) Any teacher who uses the virtual learning curriculum described
84 in subsection (a) of this section shall be evaluated annually on the use of
85 such curriculum as part of any teacher evaluation conducted pursuant
86 to section 10-151b of the general statutes.

87 Sec. 9. (NEW) (*Effective from passage*) The state shall compensate any
88 parent or guardian of a child who is not eligible to enroll in a program
89 operated by a public or nonpublic school in the state because such child
90 does not meet the immunization requirements set forth in section 10-
91 204a of the general statutes, as amended by this act, who has to quit his
92 or her job in order to educate such child for the costs of educating such
93 child.

94 Sec. 10. (NEW) (*Effective from passage*) Notwithstanding any provision
95 of section 10-204a of the general statutes, as amended by this act, any
96 child with an individualized education program or for whom an
97 individual services plan has been written by the local or regional board
98 of education responsible for educating such student shall (1) be
99 permitted to remain enrolled in any program operated by a public
100 school under the jurisdiction of such local or regional board of education
101 regardless of the child's vaccination status, or (2) receive an education
102 and services in a homeschool setting from the State Department of
103 Education that are equivalent to the education and services provided as
104 part of a program operated by a public school under the jurisdiction of
105 a local or regional board of education, which education and services
106 shall be paid for by the state.

107 Sec. 11. (NEW) (*Effective from passage*) Prior to November 1, 2021, and
108 annually thereafter, each administrator, teacher and staff member
109 employed by a local or regional board of education, or similar body
110 governing a nonpublic school or schools, shall receive adequate
111 immunization against influenzae type B as recommended by the
112 National Centers for Disease Control and Prevention, and provide

113 documentation of such immunization to the local or regional board of
114 education, or similar governing body, not later than five days after
115 receiving such immunization.

116 Sec. 12. (NEW) (*Effective from passage*) All directors, teachers,
117 counselors and staff in child care centers, group child care homes, family
118 child care homes, preschools and youth camps shall be immunized for
119 diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
120 haemophilus influenza type B or any other vaccine required by the
121 schedule for active immunization adopted pursuant to section 19a-7f of
122 the general statutes.

123 Sec. 13. (NEW) (*Effective from passage*) School readiness providers
124 shall deliver services, including child care services, in the homes of
125 families unable to enroll their children in child care centers due to such
126 families' vaccine status. The state shall pay the cost of such school
127 readiness providers in accordance with the provisions of section 10-16q
128 of the general statutes.

129 Sec. 14. (NEW) (*Effective from passage*) On and after September 1, 2022,
130 any child or student who is not in compliance with the provisions of
131 sections 10-204a, 10a-155, 10a-155b, 19a-79 and 19a-87b of the general
132 statutes, as amended by this act, shall (1) not be eligible for enrollment
133 in any public or nonpublic school, institution of higher education, public
134 or private college, child care center, group child care home or family
135 child care home, and (2) be treated the same under sections 1 to 12,
136 inclusive, of this act, as any child or student who is exempt from the
137 relevant provisions of any of said sections on religious grounds.

138 Sec. 15. (NEW) (*Effective from passage*) Notwithstanding any provision
139 of section 10-204a of the general statutes, as amended by this act, any
140 child who presents to a nonpublic school in the state a statement from
141 the parents or guardian of such child that such immunization would be
142 contrary to the religious beliefs of such child or the parents or guardian
143 of such child, which statement shall be acknowledged, in accordance
144 with the provisions of sections 1-32, 1-34 and 1-35 of the general statutes,

145 by (1) a judge of a court of record or a family support magistrate, (2) a
146 clerk or deputy clerk of a court having a seal, (3) a town clerk, (4) a
147 notary public, (5) a justice of the peace, (6) an attorney admitted to the
148 bar of this state, or (7) notwithstanding any provision of chapter 6 of the
149 general statutes, a school nurse, shall be exempt from the immunization
150 requirements set forth in said section.

151 Sec. 16. (NEW) (*Effective from passage*) Notwithstanding any provision
152 of section 10a-155 or 10a-155b of the general statutes, as amended by this
153 act, any person who presents to an independent institution of higher
154 education in the state a statement that such immunization would be
155 contrary to the religious beliefs of such person, which statement shall be
156 acknowledged, in accordance with the provisions of sections 1-32, 1-34
157 and 1-35 of the general statutes, by (1) a judge of a court of record or a
158 family support magistrate, (2) a clerk or deputy clerk of a court having
159 a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, (6)
160 an attorney admitted to the bar of this state, or (7) notwithstanding any
161 provision of chapter 6 of the general statutes, a school nurse, shall be
162 exempt from the immunization requirements set forth in said sections.

163 Sec. 17. (NEW) (*Effective from passage*) Notwithstanding any provision
164 of section 19a-79 or 19a-87b of the general statutes, as amended by this
165 act, any child who presents to a child care center, group child care home
166 or family child care home that is not operated by the state that such
167 immunization would be contrary to the religious beliefs of such child or
168 the parents or guardian of such child, which statement shall be
169 acknowledged, in accordance with the provisions of sections 1-32, 1-34
170 and 1-35 of the general statutes, by (1) a judge of a court of record or a
171 family support magistrate, (2) a clerk or deputy clerk of a court having
172 a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, (6)
173 an attorney admitted to the bar of this state, or (7) notwithstanding any
174 provision of chapter 6 of the general statutes, a school nurse, shall be
175 exempt from the immunization requirements set forth in regulations
176 adopted by the Commissioner of Early Childhood pursuant to said
177 sections.

178 Sec. 18. (NEW) (*Effective from passage*) Except in the case of a public
179 health emergency declared pursuant to section 19a-131a of the general
180 statutes, no child, pupil or student shall be unenrolled from or
181 prevented from enrolling at any (1) public or private school, including
182 an institution of higher education, or (2) child care center, group or
183 family day care home, for violating the provisions of this act without a
184 contested case hearing in accordance with the provisions of chapter 54
185 of the general statutes. Whenever such child, pupil or student is a minor,
186 the notice required under sections 4-177 and 4-180 of the general statutes
187 shall also be given to the parents or guardian of the child, pupil or
188 student at least five business days before such hearing. If a public health
189 emergency has been declared pursuant to section 19a-131a of the
190 general statutes, the contested case hearing shall be scheduled as soon
191 as possible after a child, pupil or student has been unenrolled from or
192 prevented from enrolling at any public or private school, including an
193 institution of higher education, or child care center, group or family day
194 care home. The notice shall include information concerning (A) the legal
195 rights of the parents, guardian and the child, pupil or student, (B) the
196 legal services provided free of charge or at a reduced rate that are
197 available locally, and (C) how to access such services. An attorney or
198 other advocate may represent any child, pupil or student at such
199 hearing. The parents or guardian of the child, pupil or student shall have
200 the right to have the hearing postponed for up to one week to allow time
201 to obtain representation, except in the case of a public health emergency
202 declared pursuant to section 19a-131a of the general statutes, such
203 hearing shall be held as soon as possible. Any legal fees or costs incurred
204 as a result of the administration of the provisions of this section shall be
205 borne by the state.

206 Sec. 19. (NEW) (*Effective from passage*) No public or nonpublic school,
207 institution of higher education, public or private college, child care
208 center, group child care home or family child care home shall unenroll
209 a child or student due to noncompliance with the provisions of this act
210 if the number of children or students in the state claiming exemptions
211 on religious grounds from the immunization requirements of this act is

212 less than or equal to the national average of children or students
213 claiming such exemptions, as determined by data published by the
214 National Centers for Disease Control and Prevention.

215 Sec. 20. (NEW) (*Effective from passage*) On or before July 1, 2022, and
216 annually thereafter, the Department of Public Health shall identify
217 schools that have less than ninety-five per cent of its students compliant
218 with the immunization requirements described in sections 10-204a, 10a-
219 155, 10a-155b, 19a-79 and 19a-87b of the general statutes, as amended by
220 this act, and, in consultation with the state Department of Education,
221 develop and implement an educational program concerning vaccine
222 safety and efficacy for parents of students attending such schools and
223 other members of the public, including, but not limited to, hosting
224 community-based forums and posting education materials on the
225 Internet web sites of the state Department of Education and the
226 Department of Public Health. On or before January 1, 2023, and annually
227 thereafter, the Commissioner of Public Health shall report, in
228 accordance with the provisions of section 11-4a of the general statutes,
229 to the joint standing committee of the General Assembly having
230 cognizance of matters relating to public health regarding the schools
231 identified and any educational programs implemented pursuant to this
232 section.

233 Sec. 21. (NEW) (*Effective from passage*) Each public or nonpublic school
234 under the jurisdiction of a local or regional board of education or similar
235 body governing a nonpublic school or schools shall designate an
236 employee to oversee the collection of complete and accurate data
237 concerning compliance with the immunization requirements of section
238 10-204a of the general statutes, as amended by this act.

239 Sec. 22. Subsection (a) of section 38a-492r of the general statutes is
240 repealed and the following is substituted in lieu thereof (*Effective January*
241 *1, 2022*):

242 (a) Each individual health insurance policy providing coverage of the
243 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469

244 delivered, issued for delivery, renewed, amended or continued in this
245 state that provides coverage for prescription drugs shall provide
246 [coverage for] (1) coverage for immunizations recommended by the
247 American Academy of Pediatrics, American Academy of Family
248 Physicians and the American College of Obstetricians and
249 Gynecologists, and (2) with respect to immunizations that have in effect
250 a recommendation from the Advisory Committee on Immunization
251 Practices of the Centers for Disease Control and Prevention with respect
252 to the individual involved, coverage for such immunizations and at least
253 a twenty-minute consultation between such individual and a health care
254 provider authorized to administer such immunizations to such
255 individual.

256 Sec. 23. Subsection (a) of section 38a-518r of the general statutes is
257 repealed and the following is substituted in lieu thereof (*Effective January*
258 *1, 2022*):

259 (a) Each group health insurance policy providing coverage of the type
260 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469
261 delivered, issued for delivery, renewed, amended or continued in this
262 state that provides coverage for prescription drugs shall provide
263 [coverage for] (1) coverage for immunizations recommended by the
264 American Academy of Pediatrics, American Academy of Family
265 Physicians and the American College of Obstetricians and
266 Gynecologists, and (2) with respect to immunizations that have in effect
267 a recommendation from the Advisory Committee on Immunization
268 Practices of the Centers for Disease Control and Prevention with respect
269 to the individual involved, coverage for such immunizations and at least
270 a twenty-minute consultation between such individual and a health care
271 provider authorized to administer such immunizations to such
272 individual.

273 Sec. 24. (*Effective from passage*) (a) The Department of Education shall
274 develop a plan for the creation and implementation of a state-wide
275 virtual school that offers grades kindergarten to twelve, inclusive, and
276 provides virtual learning instruction.

277 (b) The virtual school contemplated and created under such plan
 278 shall (1) be maintained by and under the direction and control of the
 279 State Board of Education, (2) provide in each school year no less than
 280 one hundred eighty days of actual school sessions and nine hundred
 281 hours of actual school work for grades kindergarten to twelve, inclusive,
 282 provided not more than seven hours of actual school work in any school
 283 day shall count toward the total required for the school year, (3) offer
 284 coursework and a curriculum that is rigorous, aligned with curriculum
 285 guidelines approved by the State Board of Education, and in accordance
 286 with the state-wide subject matter content standards, adopted by the
 287 board pursuant to section 10-4 of the general statutes, (4) grant a
 288 diploma, in accordance with the provisions of section 10-5 of the general
 289 statutes, to any student enrolled in such virtual school who has
 290 satisfactorily completed the high school graduation requirements
 291 described in section 10-221a of the general statutes, and (5) be created
 292 with consideration given to best practices in virtual learning,
 293 technological capabilities of students throughout the state and equity.

294 (c) Not later than February 1, 2022, the department shall submit the
 295 plan and any recommendations for legislation related to the
 296 implementation of such plan to the joint standing committee of the
 297 General Assembly having cognizance of matters relating to education,
 298 in accordance with the provisions of section 11-4a of the general
 299 statutes."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-204a(b)
Sec. 2	<i>from passage</i>	10-204a
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section

Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>January 1, 2022</i>	38a-492r(a)
Sec. 23	<i>January 1, 2022</i>	38a-518r(a)
Sec. 24	<i>from passage</i>	New section