

1 HB30
2 215056-1
3 By Representatives Hanes, Whorton, Crawford and Wadsworth
4 RFD: Health
5 First Read: 11-JAN-22
6 PFD: 12/07/2021

SYNOPSIS: Under existing law, parents and guardians of children in schools are required to vaccinate their children, with some exceptions.

Existing law provides an exception to this requirement for the vaccination of schoolchildren if the parent or guardian objects in writing on grounds that vaccination or testing for illnesses conflicts with his or her religious beliefs, except during an epidemic.

This bill would establish the My Child, My Choice Vaccination Act.

This bill would exempt a parent or guardian from the vaccination or testing requirement for religious grounds even during an epidemic.

This bill would extend the exemption from required vaccination or testing to those with sincerely held personal beliefs conflicting with vaccination or testing.

This bill would require communications to students or parents from public PreK-12 schools and

1 local boards of education regarding any vaccination
2 requirements to contain information on grounds for
3 exemption from the requirements.

4 This bill would require local
5 superintendents of education to make monthly
6 reports to the State Superintendent of Education
7 regarding reports pertaining to violations of this
8 bill's provisions.

9 This bill would require a reduction in
10 Foundation Program Fund monies for violations.

11 Under existing law, there is no requirement
12 that students of public two-year and four-year
13 institutions of higher education receive
14 vaccinations, but several of these institutions
15 require vaccinations for admission for students.

16 This bill would require public two-year and
17 four-year institutions of higher education that
18 require vaccinations for students to provide
19 exemptions to those requirements.

20 This bill would require communications to
21 students and parents of minor students from public
22 two-year and four-year institutions of higher
23 education regarding any vaccination requirements to
24 contain information on grounds for exemption from
25 the requirements.

1 This bill would require a reduction in state
2 funding for public two-year and four-year
3 institutions of higher education for violations.

4 This bill would also require the Department
5 of Examiners of Public Accounts, when conducting
6 audits of public PreK-12 schools and public
7 two-year and four-year institutions of higher
8 education, to include information regarding
9 violations of this bill by those schools and
10 institutions in the audit reports.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 Relating to vaccination of students; to amend
17 Section 16-30-3, Code of Alabama 1975; to establish the My
18 Child, My Choice Vaccination Act; to provide an exemption from
19 mandatory vaccination or testing for schoolchildren to parents
20 or guardians who sincerely hold personal beliefs conflicting
21 with immunization or testing, and to allow that exemption at
22 all times; to require certain communications from public
23 PreK-12 schools to contain certain information; to require
24 certain monthly reporting by local superintendents of
25 education to the State Superintendent of Education; to require
26 a reduction in funding for public PreK-12 schools and local
27 boards of education in certain cases; to require public

1 institutions of higher education that require immunizations
2 for students to provide exemptions in certain circumstances;
3 to require certain communications from public institutions of
4 higher education to contain certain information; to require a
5 reduction in funding for public institutions of higher
6 education in certain cases; and to require the Department of
7 Examiners of Public Accounts to include certain information in
8 audit reports regarding public PreK-12 schools and public
9 institutions of higher education.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. This bill shall be known as and may be
12 cited as the My Child, My Choice Vaccination Act.

13 Section 2. Section 16-30-3, Code of Alabama 1975, is
14 amended to read as follows:

15 "§16-30-3.

16 "The provisions of this chapter shall not apply ~~if~~
17 when either of the following are true:

18 "~~(1) In the absence of an epidemic or immediate~~
19 ~~threat thereof, the~~ The parent or guardian of the child ~~shall~~
20 ~~object thereto~~ objects in writing on grounds that ~~such the~~
21 immunization or testing conflicts with his or her religious
22 tenets and practices or sincerely held personal beliefs. ~~or~~

23 "(2) ~~Certification by a~~ A competent medical
24 authority ~~providing~~ provides certification for an individual
25 exemption from the required immunization or testing ~~is~~
26 ~~presented to~~ the admissions officer of the school."

1 Section 3. (a) Any communication provided to
2 students or parents by a public PreK-12 school or local board
3 of education regarding immunization requirements shall include
4 information describing the circumstances under which an
5 exemption from the immunization requirements as provided in
6 Section 16-30-3, Code of Alabama 1975, is permitted. The
7 exemption information and immunization requirements shall be
8 provided in the same font, size, and style, and located on the
9 same page of the written or digital communication.

10 (b) (1) The State Board of Education shall develop a
11 standardized complaint form for violations of subsection (a)
12 by public PreK-12 schools or local boards of education and
13 shall include instructions for how complaints should be filed
14 with a local superintendent of education.

15 (2) Complaint forms shall be made accessible on the
16 websites of local boards of education and the State Board of
17 Education.

18 (c) (1) Each local superintendent of education shall
19 report monthly to the State Superintendent of Education the
20 names of those schools located under his or her jurisdiction
21 for which he or she has both received and verified reports of
22 violations of subsection (a).

23 (2) Each local superintendent of education shall
24 also report monthly to the State Superintendent of Education
25 regarding instances of received and verified reports of
26 violations of subsection (a) by the local board of education.

1 (d) (1) If a public PreK-12 school violates
2 subsection (a), the State Superintendent of Education shall
3 reduce by one thousand dollars (\$1,000), for the succeeding
4 fiscal year, the portion of that local board of education's
5 allotment from the Foundation Program Fund to which that
6 school would otherwise be entitled, per violation. The
7 reduction shall only apply to the violating school and
8 sufficient safeguards shall be implemented to ensure that the
9 reduction does not decrease or supplant funding to any other
10 school under the jurisdiction of the local board of education.

11 (2) If a local board of education violates
12 subsection (a), the State Superintendent of Education shall
13 reduce by one thousand dollars (\$1,000), in the succeeding
14 fiscal year, that local board of education's allotment from
15 the Foundation Program Fund, per violation.

16 Section 4. (a) (1) A public two-year or four-year
17 institution of higher education that requires a student to
18 receive a vaccination shall provide an exemption to a student
19 if either of the following are true:

20 a. The student objects in writing on grounds that
21 the vaccination conflicts with his or her religious tenets and
22 practices or sincerely held religious beliefs.

23 b. A competent medical authority provides
24 certification for an individual exemption from the required
25 vaccination.

26 (2) Any communication provided to students or
27 parents of students by a public two-year or four-year

1 institution of higher education regarding vaccination
2 requirements shall include information describing the
3 circumstances under which an exemption from its vaccination
4 requirements is permitted. The exemption information and
5 vaccination requirements shall be provided in the same font,
6 size, and style, and located on the same page of the written
7 or digital communication.

8 (b) (1) The boards of trustees of each public
9 two-year or four-year institution of higher education shall
10 develop a standardized complaint form for violations of
11 subsection (a) by those institutions, and shall include
12 instructions for how complaints should be filed with the
13 boards of trustees.

14 (2) Complaint forms shall be made accessible on the
15 websites of the boards of trustees of each public two-year or
16 four-year institution of higher education.

17 (c) If a public two-year or four-year institution of
18 higher education violates this section, state funding for that
19 institution shall be reduced by one thousand dollars (\$1,000)
20 per violation in the succeeding fiscal year.

21 (d) It is the intent of the Legislature that
22 constitutionally created boards of trustees comply with the
23 requirements of this section.

24 Section 5. When auditing a public PreK-12 school or
25 a public two-year or four-year institution of higher
26 education, the Department of Examiners of Public Accounts

1 shall include in the audit report any violations of Section
2 16-30-3, Code of Alabama 1975, or Sections 1 through 4.

3 Section 6. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.