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California to Restrict Medical Exemptions from Immunizations

A new law, contained in Senate Bills 276 and 714, will make it more difficult for parents to obtain medical exemptions from California's immunization requirements. Parents who are confused about the implications of this new law may seek answers from school districts. In addition, districts should expect an increase in medical exemption submissions over the next three months, as well as disenrollment of students from classroom-based programs at the end of the 2019-2020 school year.

State law requires parents to ensure that their children obtain certain immunizations before enrolling in school. Before 2015, parents were able to obtain exemptions from some or all of these immunizations based on their "personal beliefs" (e.g., religious objections), or by submitting medical exemptions. In 2015, the California Legislature passed Senate Bill 277, which phased out personal belief exemptions. Since passage of Senate Bill 277, the number of medical exemptions submitted to schools has increased dramatically. In order to obtain a medical exemption, parents are required to provide some type of written statement (e.g., a letter) from a licensed physician indicating that the immunization is unsafe for the child. The statement may indicate that the child's medical condition is temporary, in which case the exemption is limited to one year, or that the condition makes immunization permanently unsafe, in which case there is no time limit.

The new law will require more specific documentation to support medical exemptions, limit their duration, and allow state health officials to determine if an exemption should be revoked. Notably, the new law provides the following:

Effective January 1, 2020:

- § A child who has submitted a medical exemption before January 1, 2020, may continue to enroll in school until the child enrolls in the next "grade span." Grade spans are: (1) birth to preschool; (2) kindergarten to grade 6, and (3) grades 7 to 12.
- § When a child completes one grade span and seeks to enroll in the next, parents must submit a new medical exemption that complies with the requirements below.

Effective January 1, 2021:

- § Schools may no longer accept any type of written statement from a licensed physician. Instead, physicians must complete a standardized exemption form that contains specified information, and they must submit those forms electronically, both to the school and also the California Immunization Registry. Unless a standardized medical exemption form is on file, schools may not admit students who are not fully immunized on the basis of a medical exemption.
- § Exemptions based on temporary medical conditions will continue to be valid for only one year. Exemptions based on permanent medical conditions will be valid for only one grade span. When a child with a permanent medical

condition completes one grade span and seeks to enroll in the next, physicians must complete a new exemption form.

§ The California Department of Public Health will create a monitoring system that includes review of schools whose overall immunization rates are less than 95 percent; schools that do not provide annual reports of vaccination rates; and physicians who submit more than five medical exemptions in one year, starting January 1, 2020.

Schools should prepare for an influx in medical exemptions as parents rush to meet the January 1, 2020 deadline to submit medical exemptions under existing law. Also, as January 1, 2021 approaches, more parents may choose to homeschool their children or enroll in non-classroom-based independent study programs, which are not subject to immunization laws. Schools may wish to direct parents who express confusion regarding the new law to the California Department of Public Health's information website, <https://www.shotsforschool.org/>, which contains user-friendly explanations of immunization requirements.

If you have any questions about whether a specific student must comply with immunization requirements, or any other related questions, please contact one of our six offices.

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