

HOUSE BILL No. 2574

By Committee on Health and Human Services

1-28

9 AN ACT concerning certain vaccinations; requiring disclosure of possible
10 hazards of the vaccine and consent to the administration of the vaccine;
11 amending K.S.A. 72-5209 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) No vaccine which contains thimerosal or other
15 heavy metal shall be administered to any person in this state unless such
16 person, or if such person is a minor the parent or guardian of such person,
17 has been notified in writing of the contents of the vaccine, informed of
18 the possible hazards of the vaccine and after receipt of such information
19 has consented in writing to the administration of the vaccine.

20 (b) In addition to the requirements of subsection (a), no employer of
21 a health care worker shall require the health care worker to be vaccinated
22 with a vaccine which contains a live virus unless the health care worker
23 has been informed in writing of the possible hazards of the vaccine and
24 after receipt of such information has consented in writing to the admin-
25 istration of the vaccine. As used in this subsection, "health care worker"
26 means an individual who is employed by a medical care facility, health
27 clinic or an adult care home.

28 Sec. 2. K.S.A. 72-5209 is hereby amended to read as follows: 72-
29 5209. (a) In each school year, every pupil enrolling or enrolled in any
30 school for the first time in this state, and each child enrolling or enrolled
31 for the first time in a preschool or day care program operated by a school,
32 and such other pupils as may be designated by the secretary, prior to
33 admission to and attendance at school, shall present to the appropriate
34 school board certification from a physician or local health department
35 that the pupil has received such tests and inoculations as are deemed
36 necessary by the secretary by such means as are approved by the secre-
37 tary. Pupils who have not completed the required inoculations may enroll
38 or remain enrolled while completing the required inoculations if a phy-
39 sician or local health department certifies that the pupil has received the
40 most recent appropriate inoculations in all required series. *Except as oth-*
41 *erwise provided in this section*, failure to timely complete all required
42 series shall be deemed non-compliance.

43 (b) As an alternative to the certification required under subsection

1 (a), a pupil shall present:

2 (1) An annual written statement signed by a licensed physician stating
3 the physical condition of the child to be such that the tests or inoculations
4 would seriously endanger the life or health of the child, or

5 (2) a written statement signed by one parent or guardian that the
6 child is an adherent of a religious denomination whose religious teachings
7 are opposed to such tests or inoculations.

8 (c) *It shall not constitute a failure to complete all required series under*
9 *this section if a written statement signed by one parent or guardian that*
10 *the parent or guardian does not consent to the administration of a vaccine*
11 *described under section 1, and amendments thereto, is presented.*

12 ~~(d)~~ (d) On or before May 15 of each school year, the school board of
13 every school affected by this act shall notify the parents or guardians of
14 all known pupils who are enrolled or who will be enrolling in the school
15 of the provisions this act and any policy regarding the implementation of
16 the provisions of this act adopted by the school board.

17 ~~(e)~~ (e) If a pupil transfers from one school to another, the school
18 from which the pupil transfers shall forward with the pupil's transcript
19 the certification or statement showing evidence of compliance with the
20 requirements of this act to the school to which the pupil transfers.

21 Sec. 3. K.S.A. 72-5209 is hereby repealed.

22 Sec. 4. This act shall take effect and be in force from and after its
23 publication in the statute book.