

TITLE 39
HEALTH AND SAFETY

CHAPTER 48
IMMUNIZATION

39-4801. IMMUNIZATION REQUIRED. Except as provided in section 39-4802, Idaho Code, any child in Idaho of school age may attend grades preschool and kindergarten through twelve (12) of any public, private or parochial school operating in this state if otherwise eligible, provided that upon admission, the parent or guardian shall provide an immunization record to the school authorities regarding the child's immunity to certain childhood diseases. This record, signed by a physician or his representative or another licensed health care professional, shall verify that such child has received, or is in the process of receiving immunizations as specified by the state board of health and welfare, or can effectively demonstrate, through verification in a form approved by the department of health and welfare, immunity gained through prior contraction of the disease.

Immunizations required and the manner and frequency of their administration shall be as prescribed by the state board of health and welfare and shall conform to recognized standard medical practices in the state. The state board of health and welfare, in cooperation with the state board of education and the Idaho school boards association, shall promulgate appropriate rules for the enforcement of the required immunization program and specify reporting requirements of schools, pursuant to the provisions of chapter 52, title 67, Idaho Code.

[(39-4801) 1978, ch. 240, sec. 1, p. 624; am. and redesignated 1979, ch. 313, sec. 1, p. 845; am. 1991, ch. 251, sec. 1, p. 619; am. 1992, ch. 102, sec. 1, p. 321; am. 2011, ch. 212, sec. 1, p. 599.]

39-4802. EXEMPTIONS. (1) Any minor child whose parent or guardian has submitted to school officials a certificate signed by a physician licensed by the state board of medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child shall be exempt from the provisions of this chapter.

(2) Any minor child whose parent or guardian has submitted a signed statement to school officials stating their objections on religious or other grounds shall be exempt from the provisions of this chapter.

[(39-4802) 1978, ch. 240, sec. 1, p. 624; am. and redesignated 1979, ch. 313, sec. 2, p. 846.]

39-4803. IMMUNIZATION REGISTRY. (1) The department of health and welfare shall provide for the establishment of a voluntary registry of the immunization status of Idaho children against childhood diseases. The registry shall be maintained and its data disclosed as set out herein to further the following purposes:

- (a) To make immunizations readily available to every Idaho citizen that desires to have their child immunized;
- (b) To increase the voluntary immunization rate in Idaho to the maximum extent possible without mandating such immunizations;
- (c) To recognize and respect the rights of parents and guardians to make health care decisions for their children; and

(d) To provide for timely reminders to parents of children in the registry.

(2) The name of a child and information relating to the immunization status of that child shall be collected and included in the registry unless a parent, guardian or other person legally responsible for the care of the child chooses not to have the child included in the registry upon a specified written statement. Such statement may not be part of a general authorization or release. The registry shall contain the following information for each child:

- (a) The child's name, address and birth date;
- (b) The name and address of each parent of the child;
- (c) The month, day, year and type of each immunization that has been administered to the child;
- (d) The name, address and phone number of each provider that has administered an immunization to the child;
- (e) If requested by a parent or guardian, any statement made pursuant to subsection (4) of this section; and
- (f) Other information as authorized or requested by a parent or guardian.

(3) The department of health and welfare shall only disclose information relating to an individual child in the registry to the following upon a specific request:

- (a) Employees of the health district in which the child resides or seeks medical services;
- (b) Health records staff of the school or school district in which the child is enrolled;
- (c) The operator of a licensed daycare facility in which the child is enrolled;
- (d) Persons who are legally responsible for the long-term care of the child, including operators of licensed ICF/ID's and residential or assisted living facilities, adoptive and foster parents and a guardian appointed pursuant to chapter 5, title 15, Idaho Code;
- (e) Any health care provider rendering treatment to the child, and the provider's agents;
- (f) Any person possessing a lawful release, properly executed by the child's parent or guardian;
- (g) A parent of the child;
- (h) Any hospital where the child is receiving care; or
- (i) The Idaho health data exchange.

(4) A parent or guardian of the child shall have free and open access to all information in the registry that relates to their child or themselves. Upon the written request of a parent or guardian, the department of health and welfare shall:

- (a) Cause all information relating to the child to be removed from the registry;
- (b) Include in the registry the statement of a physician or parent pursuant to section 39-4802(2) or 39-1118(2), Idaho Code.

(5) All information contained in the registry or disclosed from it is confidential and may not be sold and may only be disclosed as specifically authorized in this section. A person or entity to whom information is disclosed from the registry may not thereafter disclose it to others except in accordance with state and federal laws applicable to the use of protected health information. Any person who discloses or authorizes disclosure of

any information contained in the registry, except as authorized in this section, is guilty of a misdemeanor and is liable for civil damages in the amount of one hundred dollars (\$100) for each violation.

[39-4803, added 1999, ch. 347, sec. 1, p. 927; am. 2000, ch. 274, sec. 118, p. 855; am. 2010, ch. 235, sec. 28, p. 566; am. 2010, ch. 336, sec. 1, p. 889; am. 2015, ch. 253, sec. 1, p. 1057.]

39-4804. NOTIFICATION TO PARENT OR GUARDIAN. (1) Before an immunization is administered to any child in this state, the parent or guardian of the child shall be notified that:

(a) Immunizations are not mandatory and may be refused on religious or other grounds;

(b) Participation in the immunization registry is voluntary;

(c) The parent or guardian is entitled to an accurate explanation of the complications known to follow such immunization.

(2) At the time information is initially collected regarding any child for entry into the registry created pursuant to this chapter, the parent or guardian shall be notified that:

(a) They have the right under Idaho law to submit a statement pursuant to the provisions of sections 39-1118 and 39-4802, Idaho Code, which exempts them from any requirement to have information regarding the child entered into the registry;

(b) At any time they have the right to remove any information from the registry regarding the child; and

(c) Immunizations are not mandatory and may be refused on religious or other grounds.

(3) The decision of a parent or guardian to:

(a) Submit a statement pursuant to the provisions of either section 39-1118(2) or 39-4802(2), Idaho Code;

(b) Remove any information regarding the child from the registry pursuant to the provisions of section 39-4803(4), Idaho Code; or

(c) Refuse the immunization on religious or other grounds;

shall not be used in any manner against the interests of the parent or guardian in any administrative, civil or criminal action.

[39-4804, added 1999, ch. 347, sec. 3, p. 930; am. 2010, ch. 336, sec. 2, p. 890.]

39-4805. IDAHO CHILDHOOD IMMUNIZATION POLICY COMMISSION. (1) There is hereby created in the department of health and welfare the Idaho childhood immunization policy commission. The purpose of the commission is to evaluate policies regarding childhood immunization in Idaho and make recommendations to the board of health and welfare on policy and to the Idaho legislature on legislative action to increase immunization rates.

(2) The commission shall be composed of eight (8) regular members and two (2) ex officio members:

(a) One (1) representative of the department of health and welfare, division of public health, appointed by the director of the department;

(b) One (1) representative of Idaho public health districts, appointed by the Idaho association of public health district directors;

(c) One (1) member appointed by the Idaho primary care association;

(d) One (1) member appointed by the Idaho hospital association;

(e) One (1) member appointed by the Idaho academy of family physicians;

- (f) One (1) member appointed by the Idaho chapter of the American academy of pediatrics;
- (g) One (1) member appointed by the Idaho immunization coalition;
- (h) One (1) member appointed by the Idaho medical association;
- (i) One (1) member of the Idaho senate who will serve as an ex officio member of the commission, appointed by the president pro tempore of the senate; and
- (j) One (1) member of the Idaho house of representatives who will serve as an ex officio member of the commission, appointed by the speaker of the house of representatives.

Each member of the commission shall serve at the pleasure of the person responsible for the member's appointment. Members of the commission shall not be paid for their service or be entitled for reimbursement for travel expenses, except that members of the Idaho legislature serving as ex officio members of the commission shall be reimbursed for their vouched travel expenses associated with their service on the commission in a manner consistent with policy for other state officers and employees.

(3) The commission shall meet on or before October 1, 2010, and shall meet not less than once per each calendar year thereafter. At its initial meeting, the commission shall elect a chair, a vice chair and a secretary from among its members. These officers shall serve for terms of one (1) year and may be elected for successive terms. Meetings of the commission shall be held in Boise. Members may participate in meetings through electronic means.

(4) The department of health and welfare shall provide to the commission a suitable meeting location and reasonable clerical support.

(5) The duties and responsibilities of the commission are to:

- (a) Review existing provisions of the Idaho Code and rules of the department of health and welfare regarding childhood immunization; and
- (b) Make recommendations to the Idaho legislature for legislation and to the board of health and welfare for rulemaking on:
 - (i) Improving Idaho's childhood immunization rates;
 - (ii) The immunization requirements for children attending day-care and school;
 - (iii) The Idaho immunization reminder information system;
 - (iv) Public and private partnerships to improve immunization rates; and
 - (v) Other states best practices on improving immunization rates.

(c) Make recommendations to public agencies, health care providers and others regarding policies and practices that are designed to improve Idaho's childhood immunization rates.

[39-4805, added 2010, ch. 134, sec. 1, p. 285.]