

**ENACTED BY THE GENERAL ASSEMBLY  
OF THE STATE OF ARKANSAS:**

**SECTION 1. Arkansas Code Section 6-18-702(d)**

**Arkansas Code Section 6-18-702(d), requiring immunization of children:**

(d)(1)

(A) The State Board of Health shall promulgate rules and regulations to ensure that all exemptions provided by this section shall have a minimal effect on the health and safety of all children attending day care or kindergarten through grade twelve (K-12).

(B) The rules shall provide for, but are not limited to, the tracking of those children with exemptions so that appropriate steps may be taken in the event of an outbreak or epidemic.

(2) The department, and no other department or entity, shall grant exemptions provided by this section.

(3) If in the discretion of the health authority having jurisdiction or of any physician licensed to practice by the Arkansas State Medical Board any person to whom this section applies shall be deemed to have a physical disability that may contraindicate vaccination, a certificate to that effect issued by the health officer may be accepted in lieu of a certificate of vaccination, provided that the exemption shall not apply when the disability shall have been removed.

(4)

(A) This section shall not apply if the parents or legal guardian of that child object thereto on the grounds that immunization conflicts with the religious or philosophical beliefs of the parent or guardian.

(B) The parents or legal guardian of the child shall complete an annual application process developed in the rules and regulations of the department for medical, religious, and philosophical exemptions.

(C) The rules and regulations developed by the department for medical, religious, and philosophical exemptions shall include, but not be limited to:

- (i) A notarized statement requesting a religious, philosophical, or medical exemption from the department by the parents or legal guardian of the child regarding the objection;
- (ii) Completion of an educational component developed by the department that includes information on the risks and benefits of vaccination;
- (iii) An informed consent from the parents or guardian that shall include a signed

statement of refusal to vaccinate based on the department's refusal-to-vaccinate form; and  
(iv) A signed statement of understanding that:

(a) At the discretion of the department, the unimmunized child or individual may be removed from day care or school during an outbreak if the child or individual is not fully vaccinated; and

(b) The child or individual shall not return to school until the outbreak has been resolved and the department approves the return to school.

(D) No exemptions may be granted under this subdivision (d)(4) until the application process has been implemented by the department and completed by the applicant.

(5) Furthermore, the provisions of this section requiring pertussis vaccination shall not apply to any child with a sibling, either whole blood or half blood, who has had a serious adverse reaction to the pertussis antigen, which reaction resulted in a total permanent disability.

(e) Any person found guilty of violating this section or the regulations promulgated by the State Board of Education or the division for the enforcement of this section shall be guilty of a violation and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for each offense.

## **SECTION 2. Arkansas Code Section 6-60-504(b), concerning religious objections to immunization of college and university students:**

(b)(1) The provisions of this subchapter shall not apply if the individual furnishes to the college or university a letter of exemption from the department.

(2)

(A) The individual shall complete an annual application process developed in the rules and regulations of the department for medical, religious, and philosophical exemptions.

(B) The rules and regulations developed by the department for medical, religious, and philosophical exemptions shall include, but not be limited to:

(i) A notarized statement requesting a religious, philosophical, or medical exemption from the department by the individual regarding the objection;

(ii) Completion of an educational component developed by the department that includes information on the risks and benefits of vaccination;

(iii) An informed consent from the individual that shall include a signed statement of refusal to vaccinate based on the department's refusal-to-vaccinate form; and

(iv) A signed statement of understanding that:

(a) At the discretion of the department, the unimmunized child or individual may be removed from day care or school during an outbreak if the child or individual is not fully vaccinated; and

(b) The child or individual shall not return to school until the outbreak has been resolved and the department approves the return to school.

(3) No exemptions may be granted under this subsection until the application process has been implemented by the department and completed by the applicant.

**SECTION 3. Arkansas Code Section 20-78-206(a)(2)(B), concerning exemptions from immunization in child care facilities:**

(B)

(i) The provisions of subdivision (a)(2)(A) of this section pertaining to immunizations shall not apply if the parents or legal guardian of that child object thereto on the grounds that immunization conflicts with the religious or philosophical beliefs of the parent or guardian.

(ii) The parents or legal guardian of the child shall complete an annual application process developed in the rules and regulations of the Division of Health of the Department of Health and Human Services for medical, religious, and philosophical exemptions.

(iii) The rules and regulations developed by the Division of Health of the Department of Health and Human Services for medical, religious, and philosophical exemptions shall include, but not be limited to:

(a) A notarized statement requesting a religious, philosophical, or medical exemption from the Division of Health of the Department of Health and Human Services by the parents or legal guardian of the child regarding the objection;

(b) Completion of an educational component developed by the Division of Health of the Department of Health and Human Services that includes information on the risks and benefits of vaccination;

(c) An informed consent from the parents or guardian that shall include a signed statement of refusal to vaccinate based on the Division of Health of the Department of Health and Human Services' refusal-to-vaccinate form; and

d) A signed statement of understanding that:

(1) At the discretion of the Division of Health of the Department of Health and Human Services, the unimmunized child or individual may be removed from day care or school during an outbreak if the child or individual is not fully vaccinated; and

(2) The child or individual shall not return to school until the outbreak has been resolved and the Division of Health of the Department of Health and Human Services approves the return to school.

(iv) No exemptions may be granted under this subdivision (a)(2)(B) until the application process has been implemented by the Division of Health of the Department of Health and Human Services and completed by the applicant.

(v) Furthermore, the provisions of subdivision (a)(2)(A) of this section requiring pertussis vaccination shall not apply to any child with a sibling, either whole blood or half blood, who has had a serious adverse reaction to the pertussis antigen, which reaction resulted in a total permanent disability.

**SECTION 4. Arkansas Code Section 20-7-306, concerning reports and assistance by the Director of the Division of Health of the Department of Health and Human Services:**

**(c)(1)(A) With regard to §§ 6-18-702(d), 6-60-504(b), and 20-78-206(a)(2)(B), the division shall report every six (6) months to the committees regarding:**

(i) The geographic patterns of exemptions, vaccination rates, and exemptions in those areas as well as the rest of the state; and

(ii) Disease incidence of vaccine-preventable diseases collected by the division.

(B) The collection of exemption information shall begin January 4, 2004.

(C) Reports shall begin at the first interim meeting of the committees. (2)(A) The division shall facilitate a study to include religious, philosophical, and medical exemption patterns and the incidence of disease in the state.

(B) The study shall include:

(i) An evaluation of the state's immunization policies;

(ii) The incidence of disease in Arkansas and other states; and

(iii) A risk evaluation of specific populations in Arkansas.

(C) The study shall begin July 3, 2003, and shall be completed by December 31, 2004.

(D) The study shall be a collaborative effort coordinated by the division.

(3) The division shall issue a final assessment on the impact of this subsection to the committees during the 2005 regular session of the General Assembly.