

GENERAL LAWS
TITLE 39. HEALTH AND SAFETY
CHAPTER 48. IMMUNIZATION

Idaho Code § 39-4801 (2007)

§ 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 of any public, private or parochial school operating in this state if otherwise eligible, provided that upon admission, the parent or guardian shall provide a statement to the school authorities regarding the child's immunity to certain childhood diseases. This statement shall provide a certificate signed by a physician or his representative, that such child has received, or is in the process of receiving immunizations as specified by the 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 and regulations 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.

§ 39-4802. 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.

§ 39-4803. 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 may 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;
- (d) To provide for timely reminders to parents of children in the registry.

(2) The name of a child or information relating to the immunization status of that child may be collected or included in the registry only upon the separate and specific written authorization of a parent, guardian or other person legally responsible for the care of the child. Such authorization may not be part of a general authorization or release. The registry may contain only 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;
- (f) Other information as authorized or requested by a parent or guardian.

(3) The department of health and welfare may 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 child care 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/MR'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.

(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 and any databases or files of other entities or persons to which information in the database has been disclosed;

(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. 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.

§ 39-4804. Notification to parent or guardian

Before an immunization is administered to any child in this state, the parent or guardian of the child shall be notified that:

- (1) Immunizations are not mandatory and may be refused on religious or other grounds;
- (2) Participation in the immunization registry is voluntary;
- (3) The parent or guardian is entitled to an accurate explanation of the complications known to follow such immunization.

GENERAL LAWS

TITLE 39. HEALTH AND SAFETY

CHAPTER 11. BASIC DAY CARE LICENSE

Idaho Code § 39-1118 (2007)

§ 39-1118. Immunization required

(1) Within fourteen (14) days of a child's initial attendance at any licensed day care facility, the parent or guardian shall provide a statement to the operator of the day care facility regarding the child's immunity to certain childhood diseases. This statement shall provide a certificate signed by a physician or a representative of a health district, that the child has received, or is in the process of receiving immunizations as specified by the 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 shall promulgate appropriate rules and regulations for the enforcement of the required

immunization program and specify reporting requirements of day care centers, pursuant to the provisions of chapter 52, title 67, Idaho Code.

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