

New California Law on Vaccinations

On June 30, 2015, Governor Jerry Brown signed SB 277 into law, eliminating the personal beliefs exemption for vaccinations, which allowed a parent to opt out of vaccinating their child by completing a form, signed by a health care practitioner and the parent, attesting that information regarding the benefits and risks of immunization and the risks of vaccine-preventable diseases was given and received. The new law also overrules the religious exemption for vaccinations. The new law will go into effect on **July 1, 2016** and personal belief exemptions obtained before **January 1, 2016** will be valid until the child enters or advances to Kindergarten or the 7th grade.

The new law applies to public or private elementary or secondary schools, child care centers, day nurseries, nursery schools, family day care homes, and development centers in California. The law states that children cannot be admitted to the above public or private institutions unless they are immunized against 10 diseases: Diphtheria, Haemophilus influenzae type b (bacterial meningitis), Measles, Mumps, Pertussis (whooping cough), Poliomyelitis, Rubella, Tetanus, Hepatitis B, and Varicella (chicken pox).

The new law provides three exemptions from the requirement that children must be immunized against the 10 diseases listed above: (1) medical, (2) special education, and (3) homeschooling or independent study.

1. **Medical:** The new law makes no changes to the medical exemption-to obtain a medical exemption, a child's parent must file with the governing authority a written statement from a licensed physician stating that the physical condition or medical circumstances of the child are such that immunization is not considered safe. The physician's statement must include the specific nature and probable duration of the child's medical condition or circumstances that make immunization unsafe.
2. **Special Education:** The new law does not prohibit a child who qualifies for an individualized education program as required under the Individuals with Disabilities Education Act from accessing any special education and related services required by his or her individualized education program.
3. **Homeschooling or Independent Study:** The new law also states that vaccination requirements do not apply to students who are enrolled in a home-based private school or an independent study program. According to California Homeschool Network, in order to qualify as a home-based private school or independent study program, the parent must: (1) file a private school affidavit; (2) enroll in another home school which has already filed its affidavit; (3) hire a credentialed tutor; or (4) enroll in a district or charter public school that offers independent study-the question about whether children enrolled in independent study through publicly funded district and charter schools will be exempt from vaccination requirements may be clarified with guidance from the California Department of Public Health in the coming months.

Further guidance on how the new law will be implemented is forthcoming from the California Department of Public Health in conjunction with the California Department of Education. For more information on the new law, please visit:

1. The text of SB 277: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB277;
2. California Department of Health website: <http://www.cdph.ca.gov/Pages/DEFAULT.aspx>;
3. California Department of Education website: <http://www.cde.ca.gov/>
4. EdSource: <http://edsources.org/2015/what-schools-and-parents-need-to-know-about-the-new-vaccination-law/82242>
5. CAPSO FAQ sheet: <http://www.capso.org/sb-277-vaccination-bill-faq/>