



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1449/1
TJD:skw

2021 SENATE BILL 35

January 28, 2021 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT to amend** 252.04 (2); and **to create** 252.04 (1m) of the statutes; **relating**
2 **to:** prohibiting certain actions by the Department of Health Services related to
3 the immunization program.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Health Services from taking any of the following actions related to the statewide immunization program: including varicella, which causes chicken pox, or meningococcal disease in the definition of substantial outbreak, defining a substantial outbreak of mumps as being three or more cases of mumps linked by time and place, delaying the requirement for a student to obtain a vaccination by the combination tetanus, reduced diphtheria, and acellular pertussis vaccine from before the 6th grade to before the 7th grade, adding the meningococcal vaccine to those vaccines required for students to obtain before entering 7th grade or requiring a booster of meningococcal vaccine before entering 12th grade, or refusing to allow an exception to the varicella vaccination requirement for self-report by a parent or adult student of a history of varicella disease. Under current law, DHS is allowed to add, by rule, to those diseases for which a school student or a child entering a child care center or nursery school must obtain an immunization.

This bill is introduced as required by s. 227.19 (5) (e) and (g), stats., in support of the partial objection of the Joint Committee for Review of Administrative Rules

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on May 5, 2020, to promulgation of clearinghouse rule 19-079 by DHS. The proposed rule made revisions relating to immunization of students.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 252.04 (1m) of the statutes is created to read:

2 252.04 (1m) The department may not do any of the following relating to the
3 immunization program under this section:

4 (a) Include varicella and meningococcal disease in its definition of substantial
5 outbreak.

6 (b) Define a substantial outbreak of mumps as being 3 or more cases of mumps
7 linked by time and place.

8 (c) Change the requirement for a student to obtain a vaccination by the
9 combination tetanus, reduced diphtheria, and acellular pertussis vaccine from
10 before the 6th grade to before the 7th grade.

11 (d) Add the meningococcal vaccine to those vaccines required for students to
12 obtain before entering 7th grade or require a booster of meningococcal vaccine before
13 entering 12th grade.

14 (e) Refuse to allow an exception to the varicella vaccination requirement for
15 self-report by a parent or adult student of a history of varicella disease.

16 **SECTION 2.** 252.04 (2) of the statutes is amended to read:

17 252.04 (2) Any student admitted to any elementary, middle, junior, or senior
18 high school or into any child care center or nursery school shall, within 30 school days
19 after the date on which the student is admitted, present written evidence to the
20 school, child care center, or nursery school of having completed the first
21 immunization for each vaccine required for the student's grade and being on

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1 schedule for the remainder of the basic and recall (booster) immunization series for
2 mumps, measles, rubella (German measles), diphtheria, pertussis (whooping
3 cough), poliomyelitis, tetanus, and other diseases that the department specifies by
4 rule, subject to sub. (1m), or shall present a written waiver under sub. (3).

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(END)