

1979 Assembly Bill 767

Date published: May 20, 1980

CHAPTER 334, Laws of 1979

AN ACT to repeal and recreate 140.05 (16); and to create 48.13 (13), 120.12 (16) and 121.91 (2) (j) of the statutes, relating to checkpoint immunization of school children, providing a penalty and granting rule-making authority.

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

SECTION 1. 48.13 (13) of the statutes is created to read:

48.13 (13) Who has not been immunized as required by s. 140.05 (16) and not exempted under s. 140.05 (16) (c).

SECTION 2. 120.12 (16) of the statutes is created to read:

120.12 (16) IMMUNIZATION OF CHILDREN. Require each student to present evidence of completed basic and recall (booster) series immunizations unless the student, if an adult, or the parent, guardian or legal custodian of a minor student submits a written waiver to the school board under s. 140.05 (16) (c).

SECTION 2m. 121.91 (2) (j) of the statutes is created to read:

121.91 (2) (j) For the 1980-81 school year, prevent full implementation of the checkpoint immunization program under s. 140.05 (16).

SECTION 3. 140.05 (16) of the statutes is repealed and recreated to read:

140.05 (16) (a) The department shall carry out a statewide immunization program to eliminate measles, rubella (German measles), diphtheria, pertussis (whooping cough), and poliomyelitis, and protect against tetanus. Any person who immunizes a student under this subsection shall maintain records identifying the manufacturer and lot number of the vaccine used, the date of immunization and the name and title of the person who immunized the student. These records shall be available to the student or the student's parent, guardian or legal custodian upon request.

(b) Any student admitted to any elementary, middle, junior or senior high school or into any day care center or nursery school shall present written evidence to the school of having completed the first immunization for each vaccine required for the student's grade and being on schedule for the remainder of the basic and recall (booster) immunization series for the diseases identified in par. (a) or shall present a written waiver under par. (c).

(c). The student shall present the written evidence or written waiver within 30 school days after being admitted to school. This subsection does not require any female age 12 or over to be immunized against rubella.

(c) The immunization requirement is waived if the student, if an adult, or the student's parent, guardian or legal custodian submits a written statement to the school objecting to the immunization for reasons of health, religion or personal conviction. At the time any school notifies a student, parent, guardian or legal custodian of the immunization requirements, the school shall inform the person in writing of the person's right to a waiver under this paragraph.

(cm) The student, if an adult, or the student's parent, guardian or legal custodian shall keep the school informed of the student's compliance with the immunization schedule. Failure to comply with this requirement authorizes the school to notify the district attorney immediately to seek a court order under par. (d). If the student fails to complete the immunization series within one year after being admitted to the school under par. (b), the school shall notify the district attorney to seek a court order under par. (d).

(d) 1. By the 25th school day after the student is admitted to school, any school shall notify in writing any adult student or the parent, guardian or legal custodian of any minor student who has not met the immunization or waiver requirements of this subsection. The notification shall cite the terms of those requirements specified in this subsection and shall state that court action and forfeiture penalty could result due to noncompliance. Any school shall notify the district attorney of the county in which the student resides of any minor student who fails to present written evidence of completed immunizations or a written waiver under par. (c) within 30 school days after being admitted to school. The district attorney shall petition the court exercising jurisdiction under ch. 48 for an order directing that the student be in compliance with the requirements of this subsection. If the court grants the petition, the court may specify the date by which a written waiver shall be submitted under par. (c) or may specify the terms of the immunization schedule. The court may require an adult student or the parent, guardian or legal custodian of a minor student who refuses to submit a written waiver by the specified date or meet the terms of the immunization schedule to forfeit not more than \$25 per day of violation.

2. A first time admittee into any elementary school, day care center or nursery school may be excluded by the school board for failing to satisfy the requirements of par. (b).

(e) If an emergency arises, consisting of a substantial outbreak as determined by the department by rule of one of the diseases listed under par. (a) at a school or in the municipality in which the school is located, the department may order the school to exclude students who are not immunized until the outbreak subsides.

(f) The department shall provide the vaccines without charge, if federal or state funds are available for the vaccines, upon request of the governing body of a county, city, village or town or of the school board. The department shall provide the necessary professional consultant services to carry out an immunization program in the requesting county, mu-

municipality or school district. Persons immunized may not be charged for vaccines furnished by the department.

(g) The department shall, by rule, prescribe the mechanisms for implementing and monitoring compliance with this subsection. The department shall prescribe, by rule, the form any person immunizing a student shall provide to the student under par. (a).

SECTION 4. Departmental report. The department of health and social services shall report to the appropriate committees of each house of the legislature not later than July 31, 1981, on the effectiveness of the implementation and enforcement measures contained in this act.

SECTION 5. Effective date. (1) This act takes effect on July 1, 1980.

(2) The department of health and social services may adopt rules required to implement this act after the date of publication of this act. Rules adopted under this subsection may not take effect prior to July 1, 1980.
