

## Senate Bill No. 614

### CHAPTER 123

An act to add and repeal Section 120335.1 of the Health and Safety Code, relating to immunization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 2011. Filed with  
Secretary of State July 25, 2011.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 614, Kehoe. Childhood immunization.

Existing law, commencing July 1, 2011, until June 30, 2012, prohibits a defined governing authority, which includes the authority of a private institution, from unconditionally admitting or advancing any pupil to the 7th through 12th grade levels of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

This bill would, until June 30, 2012, authorize the county office of education, the governing board of a school district, or the governing body of a charter school to allow a pupil, advancing to or enrolled in any of grades 7 to 12, inclusive, to conditionally attend school for up to 30 calendar days, as specified, if that pupil has not been fully immunized with all pertussis boosters appropriate for the pupil's age if specified conditions are met.

This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 120335.1 is added to the Health and Safety Code, to read:

120335.1. (a) Notwithstanding Section 120335, the county office of education, the governing board of a school district of attendance, or the governing body of a charter school may allow a pupil, advancing to or enrolled in any of grades 7 to 12, inclusive, to conditionally attend school for up to 30 calendar days, commencing with the pupil's first day of attendance in the 2011–12 school year for that county office of education or school district, if that pupil has not been fully immunized with all pertussis boosters appropriate for the pupil's age and if all of the following conditions are met:

(1) The pupil was enrolled in the county office of education or school district in the prior year, and is continuing in the same or advancing to the next grade level.

(2) The pupil's first day of attendance in the 2011–12 school year for that county office of education or school district occurs on or before the sixth Friday following the first day on which classes are offered at the school in which the pupil is enrolled.

(3) The county office of education or school district work with the pupil's parent or legal guardian so that the pupil receives all immunizations or boosters necessary for continued attendance.

(b) It is the intent of the Legislature that any pupil allowed to conditionally attend pursuant to subdivision (a) be fully immunized pursuant to this chapter on or before the 30th day of conditional attendance allowed.

(c) This section shall become inoperative on July 1, 2012, and as of January 1, 2013, is repealed, unless a later enacted statute that is enacted before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent significant educational disadvantages to students and significant fiscal hardships to schools related to absenteeism due to the lack of student verification of pertussis immunization at the start of the 2011–12 school year, it is necessary that this act take effect immediately.