

CLIENT NEWS BRIEF

New Laws Narrow The Use Of Medical Exemptions For Student Immunizations

Through Senate Bills (SB) 276 and 714, California lawmakers demonstrated a concerted effort to narrow the use of medical exemptions from immunization requirements by requiring a singular exemption form and consolidating oversight through the California Department of Public Health (CDPH). In creating stricter scrutiny over medical exemptions, SB 276 and 714 continue in the spirit of SB 277, adopted in 2015, which eliminated religious and personal belief exemptions to school vaccine mandates. ([See 2015 Client News Brief Number 36.](#))

By January 1, 2021, the CDPH must develop an electronic, standardized, statewide medical exemption certification form that must be used by licensed physicians and surgeons and must be transmitted directly to the California Immunization Registry (CAIR) established pursuant to Health & Safety Code section 120440. As of January 1, 2021, this standardized form will be the only documentation of a medical exemption that school districts may accept.

In the near-term, parents or guardians may continue to file a written statement by a licensed physician and surgeon to the effect that the child's physical condition is such that immunization is not considered safe, and that the child will still be exempt from the specified requirements, until January 1, 2021.

Students who have an existing medical exemption, issued before January 1, 2020, may continue with enrollment in school until the child enrolls in the next "grade span." These are defined as birth to preschool, kindergarten (including T-K) to grade 6, and grades 7-12.

In April 2020, the CDPH clarified that students who have a medical exemption issued during 2020 may also continue with enrollment until the child enrolls in the next grade span.

The bills also add a process for parents and guardians to appeal to the Secretary of California Health and Human Services if a medical exemption is revoked pursuant to section 120372(d). A student whose revocation is appealed shall continue to attend school and not be required to begin the immunization requirements for continued admittance, provided that the appeal is filed within 30 days of revocation of the medical exemption.

In addition, schools and institutions that have 1) an overall immunization rate of less than 95%, 2) waivers from a physician or surgeon who submitted five or more medical exemptions in a calendar year, or 3) not provided reports on vaccination rates to the CDPH, will be subject to, at a minimum, an annual review by the CDPH of all immunization reports.

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As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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Takeaways

As of January 1, 2021, school districts will be able to accept only one medical exemption immunization certification form. The identification of only one valid certification form should assist in streamlining medical and registration processes for schools and others.

If you have any questions about SB 276 or 714 or about laws applicable to student immunizations in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#) or download our [mobile app](#).

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