Immunization Exclusion Fact Sheet

WHY EXCLUSION?

Children can increase disease transmission, especially in school settings where close proximity and contact rates are high. Preventing the affected children from coming into contact with other students helps reduce the spread of disease. If a child who has not been immunized comes into contact with an infected child, the risks of actually becoming sick are significantly increased. Not only is the non-immunized child affected, but other students are at increased risk because that child can then become a carrier.

LEGAL AUTHORITY:

Utah Code Title 53A-11-306 (passed in 1988 General Session) gives authority for UDOH to write **Rule 396-100-5**, which states, "A parent claiming an exemption to immunization for medical, religious or personal reasons, as allowed by **Section 53A-11-302**, shall provide to the student's school or early childhood program the required completed forms. The school or early childhood program shall attach the forms to the student's USIR."

R396-308 states, "A local or state health department representative may exclude a student who has claimed an exemption to all vaccines or to one vaccine or who is conditionally enrolled from school attendance if there is good cause to believe that the student has a vaccine preventable disease and has been exposed to a vaccine-preventable disease; or will be exposed to a vaccine-preventable disease as a result of school attendance."

Furthermore, "An excluded student may not attend school until the local health officer is satisfied that a student is no longer at risk of contracting or transmitting a vaccine-preventable disease."

Penalty: The penalty for not complying with this rule is "is punishable as a class B misdemeanor on the first offense, a class A misdemeanor on the second offense or by civil penalty of up to $5,000 for each violation." (**R396-100-9**)

ADDITIONAL RELATED HEALTH CODES:

Title 26-6-4 and 26-6b-2 of the Utah Code allows UDOH to examine, treat, quarantine, or isolate a person under a verbal or written department order of restriction who:

- "is infected or suspected to be infected with a communicable disease that poses a threat to the public health and who does not take action as required by the department or the local health department to prevent spread of the disease"
- "is contaminated or suspected to be contaminated with an infectious agent that poses a threat to the public health and that could be spread to others if remedial action is not taken"
- "is in a condition or suspected condition which, if exposed to others, poses a threat to public health, or is in a condition which if treatment is not completed will pose a threat to public health"

EXEMPTION AGREEMENT:

Language on all immunization exemption forms is as follows:

> "I also understand that if an outbreak of any vaccine-preventable disease occurs for which this child is exempted, the child for whom this exemption is claimed is to be excluded from the school or early childhood program for the duration of the outbreak and/or threat of exposure. My child will be allowed back only when a health department representative is satisfied that there is no longer a risk of contracting or transmitting a vaccine-preventable disease."