

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

INTRODUCED

LLS NO. 26-0744.01 Josh Harris x1047

HOUSE BILL 26-035

SENATE SPONSORSHIP

Guzman, Quintana

HOUSE SPONSORSHIP

Gomez, Weiss

House Committees

Not assigned

Senate Committees

Not assigned

A BILL FOR AN ACT

**CONCERNING THE PROTECTION OF MINOR CHILDREN THROUGH EMERGENCY
MEDICAL INTERVENTION AUTHORITY AND THE REGULATION OF VACCINE
EXEMPTIONS, AND, IN CONNECTION THEREWITH, ENSURING ACCESS TO
LIFE-SAVING TREATMENT AND SAFEGUARDING PUBLIC HEALTH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill strengthens the state’s ability to protect children from life-threatening medical risks by authorizing health care providers to administer emergency treatment without parental consent when delay would likely result in death or serious harm. The measure

**Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.**

specifically ensures that interventions such as rabies post-exposure prophylaxis can be administered immediately, while providing legal protections for providers and allowing limited court oversight when feasible. It also clarifies that refusal of such critical care may constitute medical neglect, enabling child welfare agencies to intervene when necessary.

Additionally, the bill reforms vaccination policy by eliminating non-medical exemptions and limiting exemptions strictly to legitimate medical necessity, consistent with standards used in states such as California. It establishes stronger oversight of medical exemptions, requires periodic review, and allows for exclusion of unvaccinated children during outbreaks. Together, these provisions aim to increase immunization rates, prevent disease spread, and ensure that no child is denied life-saving care due to parental refusal.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This act shall be known and may
4 be cited as the “Child Immunization Protection Act.” **SECTION**
5 **2. LEGISLATIVE DECLARATION.** The General Assembly
6 hereby finds and declares that: (a) The state has a compelling
7 interest in protecting the life, health, and welfare of minor
8 children; (b) Certain diseases, including rabies, are almost
9 universally fatal without timely medical intervention, yet are
10 preventable through established medical treatment; (c) Delays in
11 administering post-exposure prophylaxis or other emergency care
12 may result in irreversible harm or death; (d) While parents and
13 legal guardians retain fundamental rights concerning the
14 upbringing of their children, such rights do not extend to decisions
15 that place a child at substantial risk of serious harm or death; (e)
16 High vaccination rates are necessary to protect public health and
17 prevent outbreaks of communicable diseases; and (f) It is
18 necessary to establish clear standards governing when the state
19 may intervene to provide life-saving care and to ensure that
20 vaccine exemptions are limited to legitimate medical necessity.

1 **SECTION 3. DEFINITIONS.** As used in this act, unless the
2 context otherwise requires: (a) “Emergency medical condition”
3 means a condition that, in the reasonable medical judgment of a
4 licensed physician, poses an imminent risk of death or serious
5 bodily harm without immediate intervention. (b) “Post-exposure
6 prophylaxis” means medically indicated treatment administered
7 after exposure to a disease to prevent infection, including but not
8 limited to rabies vaccination. (c) “Medical exemption” means a
9 certification by a licensed physician that a specific immunization
10 is contraindicated for a child due to a recognized medical
11 condition. (d) “Minor” means any individual under eighteen years
12 of age. **SECTION 4. EMERGENCY MEDICAL OVERRIDE**
13 **AUTHORITY.** (a) Notwithstanding any provision of law to the
14 contrary, a licensed physician or authorized health care provider
15 may administer medically necessary treatment to a minor without
16 parental or guardian consent when: (b) The minor is determined to
17 have an emergency medical condition; and (c) Delay in treatment
18 would significantly increase the risk of death or serious bodily
19 harm. (d) Treatment authorized under this section includes, but is
20 not limited to: (I) Administration of post-exposure prophylaxis for
21 rabies or other life-threatening communicable diseases; (II)
22 Emergency vaccination necessary to prevent imminent harm; and
23 (III) Any other intervention deemed medically necessary under
24 prevailing standards of care. (e) When feasible, the provider shall
25 make reasonable efforts to notify the parent or guardian; however,
26 lack of consent shall not delay treatment. (f) A health care
27 provider acting in good faith under this section shall be immune
28 from civil and criminal liability. (g) The state or a designated
29 agency may seek an expedited court order affirming the provision
30 of care, but such order shall not be required when immediate
31 action is necessary. **SECTION 5. LIMITATION ON VACCINE**
32 **EXEMPTIONS.** (a) A minor shall be required to receive all
33 immunizations mandated by the Department of Public Health as a

1 condition of school or childcare attendance, unless a valid medical
2 exemption is provided. (b) Non-medical exemptions, including
3 religious or personal belief exemptions, are hereby prohibited. (c)
4 A medical exemption shall: (I) Be issued by a licensed physician;
5 (II) Specify the medical condition justifying the exemption; (III)
6 Be consistent with guidelines issued by the Department of Public
7 Health and recognized national medical authorities; and (IV) Be
8 subject to periodic review and renewal as determined by the
9 department. (d) The Department of Public Health may audit
10 medical exemptions and revoke any exemption found to be
11 inconsistent with accepted medical standards. (e) A minor with a
12 valid medical exemption may be excluded from school or
13 childcare settings during an outbreak of a communicable disease.

14 **SECTION 6. ENFORCEMENT AND CHILD WELFARE**
15 **PROVISIONS.** (a) The refusal of a parent or guardian to consent
16 to treatment for an emergency medical condition as defined in this
17 act may constitute medical neglect under state law. (b) Child
18 protective services may take appropriate action, including
19 temporary protective custody, when necessary to ensure access to
20 life-saving care. **SECTION 7. RULEMAKING AUTHORITY.**
21 The Department of Public Health shall promulgate rules necessary
22 to implement this act, including standards for medical exemptions
23 and procedures for emergency intervention. **SECTION 8.**
24 **SEVERABILITY.** If any provision of this act or its application is
25 held invalid, such invalidity shall not affect other provisions or
26 applications of the act. **SECTION 9. SAFETY CLAUSE.** The
27 General Assembly hereby finds, determines, and declares that this
28 act is necessary for the immediate preservation of the public
29 peace, health, and safety, and therefore shall take effect
30 immediately after being signed by the Governor.