

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

**ENGROSSED**

LLS NO. 26-0744.02 Josh Harris x1047

**HOUSE BILL 26-035**

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**SENATE SPONSORSHIP**

**Guzman, Quintana**

**HOUSE SPONSORSHIP**

**Gomez, Weiss**

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**House Committees**

Health & Human Services

**Senate Committees**

Not assigned

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**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.**

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**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.

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

1 is necessary to establish clear standards governing when the state  
2 may intervene to provide life-saving care and to ensure that  
3 vaccine exemptions are limited to legitimate medical necessity.  
4 **SECTION 3. DEFINITIONS.** As used in this act, unless the  
5 context otherwise requires: (a) “Emergency medical condition”  
6 means a condition that, in the reasonable medical judgment of a  
7 licensed physician, physician assistant, or advanced practice nurse  
8 poses an imminent risk of death or serious bodily harm without  
9 immediate intervention. (b) “Post-exposure prophylaxis” means  
10 medically indicated treatment administered after exposure to a  
11 disease to prevent infection, including but not limited to rabies  
12 vaccination. (c) “Medical exemption” means a certification by a  
13 licensed physician that a specific immunization is contraindicated  
14 for a child, or the child's household contacts due to a recognized  
15 medical condition. (d) “Minor” means any individual under  
16 eighteen years of age. **SECTION 4. EMERGENCY MEDICAL**  
17 **OVERRIDE AUTHORITY.** (a) ~~Notwithstanding any provision of~~  
18 ~~law~~ To the extent permitted by the state and federal constitutions  
19 and notwithstanding any provision of law to the contrary, a  
20 licensed physician or authorized health care provider acting  
21 within their scope of practice may administer medically necessary  
22 treatment to a minor without parental or guardian consent when:  
23 (b) The minor is determined to have an emergency medical  
24 condition; and (c) Delay in treatment would significantly increase  
25 the risk of death or serious bodily harm. (d) Treatment authorized  
26 under this section includes, but is not limited to: (I)  
27 Administration of post-exposure prophylaxis for rabies or other  
28 life-threatening communicable diseases; (II) Emergency  
29 vaccination necessary to prevent imminent harm; and (III) Any  
30 other intervention deemed medically necessary under prevailing  
31 standards of care. (e) When feasible, the provider shall make  
32 ~~reasonable efforts~~ diligent and documented efforts to notify the  
33 parent or guardian; however, lack of consent shall not delay

1 treatment. (f) A health care provider acting in good faith, and  
2 without gross negligence under this section shall be immune from  
3 civil and criminal liability. (g) The state or a designated agency  
4 may seek an expedited court order affirming the provision of care  
5 affirming the necessity of the medical intervention, but such order  
6 shall not be required when immediate action is necessary. (h) this  
7 section shall not apply to minors aged sixteen or seventeen who  
8 expressly object to the treatment or vaccination, regardless of  
9 parental consent or medical necessity. **SECTION 5.**

10 **LIMITATION ON VACCINE EXEMPTIONS.** (a) A minor shall  
11 be required to receive all immunizations mandated by the  
12 Department of Public Health as a condition of school or childcare  
13 attendance licensed childcare facility attendance, unless a valid  
14 medical exemption is provided. ~~(b) Non-medical exemptions,~~  
15 ~~including religious or personal belief exemptions, are hereby~~  
16 ~~prohibited.~~ (b) Religious exemptions. **RELIGIOUS**  
17 **EXEMPTIONS ARE PERMITTED ONLY UPON**  
18 **SUBMISSION OF A SWORN STATEMENT BY THE PARENT**  
19 **OR GUARDIAN ATTESTING TO A SINCERE AND**  
20 **LONG-STANDING RELIGIOUS BELIEF; PERSONAL**  
21 **BELIEF EXEMPTIONS ARE HEREBY PROHIBITED.** (c) A  
22 medical exemption shall: (I) Be issued by a licensed physician;  
23 (II) Specify the medical condition justifying the exemption; (III)  
24 Be consistent with guidelines issued by the Department of Public  
25 Health and recognized national medical authorities, including the  
26 Centers for Disease Control and Prevention; and (IV) Be subject  
27 to periodic review and renewal as determined by the department.  
28 (d) The Department of Public Health may audit medical  
29 exemptions and revoke any exemption found to be inconsistent  
30 with ~~accepted medical standards~~ evidence-based clinical  
31 guidelines. (e) A minor with a valid medical exemption may be  
32 excluded from school or childcare settings during an outbreak of a  
33 communicable disease. **SECTION 6. ENFORCEMENT AND**

1 CHILD PROTECTIVE PROVISIONS. (a) The refusal of a parent  
2 or guardian to consent to treatment for an emergency medical  
3 condition as defined in this act may constitute medical neglect  
4 under state law. (b) Child protective services may take appropriate  
5 action, including temporary protective custody, when necessary to  
6 ensure access to life-saving care. **SECTION 7. RULEMAKING**  
7 **AUTHORITY.** The Department of Public Health shall promulgate  
8 rules in accordance with the State Administrative Procedure Act  
9 necessary to implement this act, including standards for medical  
10 exemptions and procedures for emergency intervention.  
11 **SECTION 8. SEVERABILITY.** If any provision of this act or its  
12 application is held invalid, such invalidity shall not affect other  
13 provisions or applications of the act. **SECTION 9. SAFETY**  
14 **CLAUSE.** The General Assembly hereby finds, determines, and  
15 declares that this act is necessary for the immediate preservation  
16 of the public peace, health, and safety, and therefore shall take  
17 effect immediately after being signed by the Governor.