

HOUSE BILL 26-035

By Senator(s) Guzman, Quintana
also Representative(s) Gomez, Weiss

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.

Be It Enacted by the General Assembly of the State of San Andreas:

SECTION 1. SHORT TITLE.

This act shall be referred to as the “Child Immunization Protection Act.”

SECTION 2. LEGISLATIVE DECLARATION.

The General Assembly hereby finds and declares that:

- (a) The state has a compelling interest in protecting the life, health, and welfare of minor children;
- (b) Certain diseases, specifically including rabies and bacterial meningitis, are almost universally fatal without timely medical intervention, yet are preventable through established medical treatment;
- (c) Delays in administering post-exposure prophylaxis or other emergency care may result in irreversible harm or death;
- (d) While parents and legal guardians, or persons standing in loco parentis retain fundamental rights concerning the upbringing of their children, such rights do not extend to decisions that place a child at substantial risk of serious harm, death, or permanent disability;
- (e) Maintaining high community immunity through vaccination are necessary to protect public health and prevent outbreaks of communicable diseases; and
- (f) It is necessary to establish clear standards governing when the state may intervene to provide life-saving care and to ensure that vaccine exemptions are limited to legitimate medical necessity.

SECTION 3. DEFINITIONS.

As used in this act, unless the context otherwise requires:

- (a) “Emergency medical condition” means a condition that, in the reasonable medical judgment of a licensed physician, physician assistant, licensed osteopathic physician or advanced practice nurse poses an imminent risk of death or serious bodily harm without immediate intervention.
- (b) “Post-exposure prophylaxis” means medically indicated treatment administered after exposure to a disease to prevent infection, including but not limited to rabies vaccination.
- (c) “Medical exemption” means a certification by a licensed physician that a specific immunization is contraindicated for a child, or the child's household contacts due to a recognized medical condition.
- (d) “Minor” means any individual under eighteen years of age.

SECTION 4. EMERGENCY MEDICAL OVERRIDE AUTHORITY.

- (a) To the extent permitted by the state and federal constitutions and notwithstanding any provision of law to the contrary, a licensed physician or authorized health care provider acting within their scope of practice may administer medically necessary treatment to a minor without parental or guardian consent when:
- (b) The minor is determined to have an emergency medical condition; and
- (c) Delay in treatment would significantly increase the risk of death or serious bodily harm.
- (d) Treatment authorized under this section includes, but is not limited to:
- (I) Administration of post-exposure prophylaxis for rabies or other life-threatening communicable diseases;
- (II) Emergency vaccination necessary to prevent imminent harm; and
- (III) Any other intervention deemed medically necessary under prevailing standards of care.
- (e) When feasible, the provider shall make diligent and documented efforts to notify the parent or guardian; however, lack of consent shall not delay treatment.
- (f) A health care provider acting in good faith, and without willful or wanton misconduct under this section shall be immune from civil and criminal liability.
- (g) The state or a designated agency may seek an expedited court order affirming the necessity of the medical intervention, but such order shall not be required when immediate action is necessary.
- (h) this section shall not apply to minors aged seventeen who expressly object to the treatment or vaccination, regardless of parental consent or medical necessity.

SECTION 5. LIMITATION ON VACCINE EXEMPTIONS.

- (a) A minor shall be required to receive all immunizations mandated by the Department of Public Health as a condition of school or licensed childcare facility attendance, unless a valid medical exemption is provided.
- (b) Philosophical And Conscientious Exemptions. Non-medical exemptions, including religious, personal belief, philosophical, or conscientious exemptions, shall be automatically granted upon the submission of a signed statement by the parent or guardian.

(c) A medical exemption shall:

(I) be issued by a licensed physician who has treated the minor within the preceding twelve months;

(II) Specify the medical condition justifying the exemption;

(III) Be consistent with guidelines issued by the Department of Public Health and recognized national medical authorities, including the Centers for Disease Control and Prevention; and

(IV) Be subject to periodic review and renewal as determined by the department.

(d) Audit Protections. The department of public health is prohibited from auditing, reviewing, or revoking medical exemptions issued by a licensed independent medical professional, and the exclusive authority for suitability resides with the issuing physician.

(e) A minor with a valid medical exemption may be excluded from school or childcare settings during an outbreak of a communicable disease.

SECTION 6. ENFORCEMENT AND CHILD PROTECTIVE PROVISIONS.

(a) The refusal of a parent or guardian to consent to treatment for an emergency medical condition as defined in this act may constitute medical neglect under state law where a medical professional certifies that the refusal creates an immediate, life-threatening danger to the child.

(b) Child protective services may take appropriate action, including temporary protective custody, when necessary to ensure access to life-saving care.

SECTION 7. RULEMAKING AUTHORITY.

The Department of Public Health shall promulgate rules in accordance with the State Administrative Procedure Act necessary to implement this act, including standards for medical exemptions and procedures for emergency intervention.

SECTION 8. SEVERABILITY.

If any provision of this act or its application is held invalid, such invalidity shall not affect other provisions or applications of the act.