

Georgia Vaccine Exemption Laws

TITLE 20. EDUCATION

CHAPTER 2. ELEMENTARY AND SECONDARY EDUCATION

ARTICLE 16. STUDENTS

PART 3. HEALTH

O.C.G.A. § 20-2-771. Immunization of students

(a) As used in this Code section, the term:

(1) "Certificate of immunization" means certification by a physician licensed under the laws of this state or by an appropriate official of a local board of health, on a form provided by the Department of Human Resources, that a named person has been immunized in accordance with the applicable rules and regulations of the Department of Human Resources.

(2) "Facility" means any public or private day-care center or nursery intended for the care, supervision, or instruction of children.

(3) "Responsible official" means a county school superintendent, a school principal, or a chief operating officer of a school or facility.

(4) "School" means any public or private educational program or institution instructing children at any level or levels, kindergarten through twelfth grade, or children of ages five through 19 if grade divisions are not used.

(b) No child shall be admitted to or attend any school or facility in this state unless the child shall first have submitted a certificate of immunization to the responsible official of the school or facility. The responsible official of any school or facility may grant a 30 calendar day waiver of the certification requirement for a justified reason. The waiver may be extended from the date of first admittance or of first attendance, whichever is earlier, for up to 90 calendar days provided documentation is on file at the school or facility from the local health department or a physician specifying that an immunization sequence has been started and that this immunization time schedule can be completed within the 90 day waiver period, provided confirmation is received during the waiver period from the health department or physician that immunizations are being received as scheduled, and provided the student under waiver is a transfer student, who is defined as a student who moves from an out-of-state school system to a Georgia school system, or a student entering kindergarten or first grade from out of state. The waiver may not be extended beyond 90 calendar days; and upon expiration of the waiver, the child shall not be admitted to or be permitted to attend the school or facility unless the child submits a certificate of immunization.

(c) The Department of Human Resources shall promulgate rules and regulations specifying those diseases against which immunization is required and the standards for such immunizations. The school or facility shall maintain on file the certificates of immunization for all children attending the school or facility. All facilities shall file a report annually with the Department of Human Resources. The report shall be filed on forms prepared by the Department of Human Resources and shall state the number of children attending the school or facility, the number of children

who did not submit certificates of immunization within the waiver period, and the number of children who are exempted from the certification requirement for medical or religious reasons.

(d) If, after examination by the local board of health or any physician licensed under the laws of this state or of any other state having comparable laws governing the licensure of physicians, any child to whom this Code section applies is found to have any physical disability which may make vaccination undesirable, a certificate to that effect issued by the local board of health or such physician licensed under the laws of this or such other state may be accepted in lieu of a certificate of immunization and shall exempt the child from the requirement of obtaining a certificate of immunization until the disability is relieved.

(e) This Code section shall not apply to a child whose parent or legal guardian objects to immunization of the child on the grounds that the immunization conflicts with the religious beliefs of the parent or guardian; however, the immunization may be required in cases when such disease is in epidemic stages. For a child to be exempt from immunization on religious grounds, the parent or guardian must first furnish the responsible official of the school or facility an affidavit in which the parent or guardian swears or affirms that the immunization required conflicts with the religious beliefs of the parent or guardian.

(f) During an epidemic or a threatened epidemic of any disease preventable by an immunization required by the Department of Human Resources, children who have not been immunized may be excluded from the school or facility until (1) they are immunized against the disease, unless they present valid evidence of prior disease, or (2) the epidemic or threat no longer constitutes a significant public health danger.

(g) The requirement of a certificate of immunization shall become effective for all children entering or attending facilities on or after April 7, 1981. The certification requirement shall apply to all children entering or attending schools:

(1) On September 1, 1981, for all such children entering or attending kindergarten or the first, ninth, tenth, eleventh, or twelfth grades, or of the equivalent ages if grade divisions are not used;

(2) On September 1, 1982, for all such children entering or attending all grades, or of all ages if grade divisions are not used.

(h) Any responsible official permitting any child to remain in a school or facility in violation of this Code section, and any parent or guardian who intentionally does not comply with this Code section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than 12 months. The Department of Human Resources may adopt rules and regulations for the enforcement of this Code section. The Department of Human Resources and the local board of health, or either of them, may institute a civil action in the superior court of the county in which the defendant resides for injunctive relief to prevent a threatened or continuing violation of any provision of this Code section.

TITLE 31. HEALTH
CHAPTER 12. CONTROL OF HAZARDOUS CONDITIONS, PREVENTABLE DISEASES, AND METABOLIC DISORDERS

O.C.G.A. § 31-12-3 Power to require immunization and other preventive measures

(a) The department and all county boards of health are empowered to require, by appropriate rules and regulations, persons located within their respective jurisdictions to submit to vaccination against contagious or infectious disease where the particular disease may occur, whether or not the disease may be an active threat. The department may, in addition, require such other measures to prevent the conveyance of infectious matter from infected persons to other persons as may be necessary and appropriate. The department shall promulgate appropriate rules and regulations for the implementation of the provisions of this Code section in the case of a declaration of a public health emergency and shall include provisions permitting consideration of the opinion of a person's personal physician as to whether the vaccination is medically appropriate or advisable for such person. Such rules and regulations shall be adopted pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," but shall be automatically referred by the Office of Legislative Counsel to the House of Representatives and Senate Committees on Judiciary.

(b) In the absence of an epidemic or immediate threat thereof, this Code section shall not apply to any person who objects in writing thereto on grounds that such immunization conflicts with his religious beliefs.

O.C.G.A. § 31-12-3.1 Vaccination registry; reporting requirements, maintenance, and use

(a) The department, for purposes of establishing and maintaining a single repository of accurate, complete, and current vaccination records to be used in aiding, coordinating, and promoting effective and cost-efficient disease prevention and control efforts, shall establish and maintain a vaccination registry.

(b) Any person who administers a vaccine or vaccines licensed for use by the United States Food and Drug Administration to a person shall for each such vaccination provide to the department such data as are deemed by the department to be necessary and appropriate for purposes of the vaccination registry established pursuant to subsection (a) of this Code section, including, without limitation:

- (1) The name of the person;
- (2) The person's date and place of birth, including the name of the hospital where delivered, if applicable;
- (3) The names and addresses of the person's parents or guardians if the person is 18 years of age or younger;
- (4) The date of the vaccination and the specific type or types of vaccine or vaccines administered to the person on that date; and
- (5) Complications or side effects resulting from a vaccination, if any.

Vaccination data reporting requirements, including without limitation the types of data

required to be reported and the time and manner of reporting such data, shall begin after the registry has established linkages to vaccine providers and shall be established by the department in consultation with the United States Centers for Disease Control and Prevention, the Georgia chapter of the American Academy of Pediatrics, and the Georgia Academy of Family Physicians.

(c) The department shall utilize the registry to provide notices, whether by mail, telephone, personal contact, or other means, to persons and to parents or guardians regarding their children or wards who are due or overdue for a particular type of vaccination according to recommended vaccination schedules. The department shall consult with medical services providers to determine the most effective and efficient manner of using the registry to provide such notices.

(d) Vaccination records for any person included within the vaccination registry shall be maintained as part of the registry until the person's death.

(e) Individually identifiable vaccination information regarding a person may be provided to the department by, or released by the department to, a local health department, hospital, physician, or other provider of medical services to the person or to a school or child care facility in which the person is enrolled if the person is 18 years of age or younger without the consent of the person or the person's parents or guardians. All persons shall be enrolled unless a specific exemption is requested by the person or the person's parent or guardian if the person is 18 years of age or younger. A parent or guardian may obtain and upon request to the department shall be provided with all individually identifiable vaccination registry information regarding his or her child or ward. Except as provided otherwise by this Code section, individually identifiable vaccination registry information shall be treated as confidential and shall not be released to a third party without consent of the person or the person's parent or guardian if the person is 18 years of age or younger.

(f) Nothing in this Code section shall:

(1) Prohibit the department from providing or publishing registry information in aggregate form for scientific, educational, or public health purposes, provided that such information is published without releasing or identifying individual names contained in the registry;

(2) Prohibit the department or any medical services provider from notifying a person or the person's parent or guardian if the person is 18 years of age or younger of the person's vaccination status or of a vaccination that is due or overdue according to recommended vaccination schedules; or

(3) Diminish a parent's or guardian's responsibility for having a child vaccinated properly.

(g) Any person, including but not limited to practitioners of the healing arts, submitting or obtaining in good faith vaccination reports or data to or from the department in compliance with the provisions of this Code section and any rules or regulations promulgated pursuant to this Code section shall not be liable for any civil damages therefor.

(h) The department is authorized to accept any grants, gifts, awards, and funds from government, public, and private sources to supplement any appropriation made for the purpose of funding the provisions of this Code section.

(i) The department is authorized and directed to promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this Code section.

O.C.G.A. § 31-12-3.2 Meningococcal disease; vaccinations; disclosures

(a) Every public and nonpublic postsecondary educational institution shall provide to each newly admitted freshman or matriculated student residing in campus housing as defined by the postsecondary educational institution or to the student's parent or guardian if the student is a minor, the following information:

(1) Meningococcal disease is a serious disease that can lead to death within only a few hours of onset; one in ten cases is fatal; and one in seven survivors of the disease is left with a severe disability, such as the loss of a limb, mental retardation, paralysis, deafness, or seizures;

(2) Meningococcal disease is contagious but a largely preventable infection of the spinal cord fluid and the fluid that surrounds the brain;

(3) Scientific evidence suggests that college students living in dormitory facilities are at a moderately increased risk of contracting meningococcal disease; and

(4) Immunization against meningococcal disease will decrease the risk of the disease.

(b) Students who are 18 years of age or older shall be required to sign a document provided by the postsecondary educational institution stating that he or she has received a vaccination against meningococcal disease or reviewed the information provided as required by subsection (a) of this Code section. If a student is a minor, only a parent or guardian may sign such document.

(c) Nothing in this Code section shall be construed to require any postsecondary educational institution to provide or pay for vaccinations of students against meningococcal disease.

(d) Any postsecondary educational institution that has made a reasonable effort to comply with this Code section shall not be liable for damages or injuries sustained by a student by reason of such student's contracting meningococcal disease.

GEORGIA RULES AND REGULATIONS
CHAPTER 290. DEPARTMENT OF HUMAN RESOURCES
CHAPTER 290-5. PUBLIC HEALTH
CHAPTER 290-5-4. IMMUNIZATION OF CHILDREN
AS A PREREQUISITE TO ADMISSION TO SCHOOLS AND OTHER FACILITIES

290-5-4-.02 Immunization Required.

(1) Except as otherwise provided by law or herein specified, immunization as specified by section 290-5-4-.03 of this chapter against the following named diseases, shall be required for entrance into any school or facility operating in the state:

- (a) Diphtheria;
- (b) Pertussis;
- (c) Tetanus;
- (d) Poliomyelitis;
- (e) Measles;
- (f) Rubella;
- (g) Mumps;
- (h) *Haemophilus influenzae* type B (Not required on or after 5th birthday);
- (i) Hepatitis B;
- (j) Varicella;
- (k) Pneumococcal (Not required on or after 5th birthday);
- (l) Hepatitis A.

(2) For any child attending any school or facility in the state of Georgia for the first time, a parent or guardian must submit a valid certificate of immunization. School or facility officials, for justified reasons, may allow a child to attend for up to 30 calendar days after first admittance without a valid certificate of immunization. Certificates of Immunization are to be issued in accord with the current Official Immunization Schedules. A certificate may be issued for a child who has not received all required immunizations with the conditions that the child is in the process of completing required immunizations and that immunizations are being scheduled with the shortest intervals recommended in the current Official Immunization Schedules. The certificate must be retained and monitored for currency by the school or facility while the child continues in attendance and must be made available for inspection during normal business hours by authorized health authority officials. When a child transfers to another school or facility, the certificate of immunization must be transferred. When a child ceases to attend without transfer, the certificate should be returned to the parent or guardian.

(3) A certificate for a child who is in the process of receiving all required vaccines must have a date of expiration that relates to the date the next required immunization is due or the date on which a medical exemption must be reviewed. A new certificate must then be obtained and submitted to the school or facility within 30 days after the expiration date. Children whose parents fail to renew said certificates within the time allotted shall not be permitted to continue in attendance.

(4) Effective July 1, 2007 for entrance into kindergarten and for new entrants into a Georgia School, students must have a total of two (2) doses of measles vaccine, two (2) doses of mumps vaccine, one (1) dose of rubella vaccine and a total of two (2) doses of varicella (chickenpox) vaccine.

(5) Effective July 1, 2007 for entrance into grade six (6), students must have a total of two (2) doses of measles vaccine, two (2) doses of mumps vaccine, one (1) dose of rubella vaccine and two (2) doses of varicella (chickenpox) vaccine.

(6) Effective July 1, 2007 children attending any childcare facility (including prekindergarten programs) must show evidence of protection against pneumococcal disease.

(7) Effective July 1, 2007 children born on or after January 1, 2006 who are attending childcare facilities (including pre-kindergarten programs) and schools must have proof of protection against hepatitis A disease (vaccination or serology).

(8) Requirements for hepatitis A, hepatitis B, measles, mumps, rubella and varicella vaccines may be waived with serologic proof of immunity. Requirements for varicella vaccine may be waived also with a healthcare provider diagnosis of varicella disease or healthcare provider verification of history of varicella disease.

**BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA
POLICY MANUAL OF THE BOARD OF REGENTS
POLICY MANUAL: SECTION 400: STUDENT AFFAIRS**

408 IMMUNIZATIONS

408.01 Immunization Against Disease During an Outbreak Epidemic

During an epidemic or a threatened epidemic of any disease preventable by immunization on a campus of the University System, and when an emergency has been declared by appropriate health authorities of this state, the president of that institution is authorized, in conjunction with the Chancellor and appropriate health authorities, to promulgate rules and regulations specifying those diseases against which immunizations may be required. Any individual who cannot show proof of immunity or adequate immunization and refuses to be immunized shall be excluded from any institution or facility of the University System until such time as he/she presents valid evidence that he/she is immunized against the disease or the epidemic or threat no longer constitutes a significant public health danger (BR Minutes, 1989-90, p. 406).

408.02 Immunization Requirements

- a) Each institution of the University System of Georgia shall implement immunization requirements for all new students (first-year, transfers, and others) as directed by policy consistent with recommendations provided by the Advisory Committee on Immunization Practices, developed collaboratively by the Board of Regents of the University System of Georgia and the Division of Public Health of the Georgia Department of Human Resources.
- b) Each institution shall make available information to every new student regarding required and recommended immunizations using information developed by the Division of Public Health in concert with the Office of Student Services of the Board of Regents of the University System of Georgia.
- c) Specific colleges or departments, in concurrence of the president and the Chancellor, may require some immunizations not required of all new students by this policy. Institutions are also authorized to impose additional immunization requirements for students when, in the opinion of the president of the institution and with concurrence of the Chancellor and appropriate public health authorities, there is a substantial risk of exposure to other communicable diseases preventable by vaccination (BR Minutes, 1990-91, p114).
- d) Pursuant to legislation enacted in 2003, all students residing in campus housing are required to sign a document stating that they have received a vaccination against meningococcal disease or reviewed the information provided by the institution.

Source: Board of Regents of the University of Georgia. (2009, January, 1). [wwwdocument]
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