



DOOR COUNTY

Resolution No. 2019-50

**PUBLIC HEALTH
RESOLUTION REQUESTING THE WISCONSIN LEGISLATURE
END THE USE OF PERSONAL CONVICTION WAIVERS FOR
SCHOOL AND DAY CARE CENTER IMMUNIZATIONS**

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD			
BACON			
BULTMAN			
CHOMEAU			
D. ENGLEBERT			
R. ENGLEBERT			
ENIGL			
FISHER			
GUNNLAUGSSON			
HALSTEAD			
KOCH			
KOHOUT			
LIENAU			
LUNDAHL			
NEINAS			
NORTON			
ROBILLARD			
SCHULTZ			
VIRLEE			
VLIES WOTACHEK			
WAIT			

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

1 **WHEREAS**, Vaccine-preventable diseases, such as measles, are very
2 contagious and can result in serious health complications, including
3 pneumonia and encephalitis, and lead to death; and

4
5 **WHEREAS**, Outbreaks of measles have impacted multiple states in
6 2019; and

7
8 **WHEREAS**, The effectiveness and safety of vaccines have been well
9 established; and

10
11 **WHEREAS**, The Affordable Care Act has improved insurance
12 coverage for vaccinations, which are readily available in medical offices
13 and pharmacies, and public health departments continue to serve those
14 eligible for the Vaccines for Children Program; and

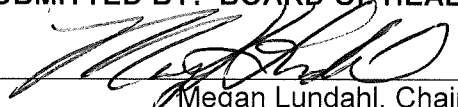
15
16 **WHEREAS**, Wisconsin's immunization law § 252.04(3), Wis. Stats. and
17 § DHS 144.05, Wis. Adm. Code permits parents to opt out or waive some
18 or all of the vaccinations required to attend school or group day care based
19 on their personal beliefs; and

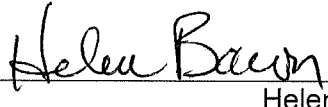
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21 **WHEREAS**, The Wisconsin Public Health Association supports a
22 change in school and day care center immunization law that eliminates
23 personal conviction waivers for students in Wisconsin public and private
24 schools and for children who attend group day cares.

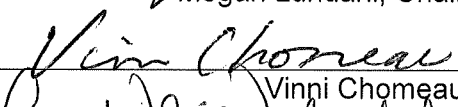
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26 **NOW, THEREFORE, BE IT RESOLVED**, That the Door County Board
27 respectfully requests that the Wisconsin Legislature end the use of
28 personal conviction waivers for school and day care center immunizations.

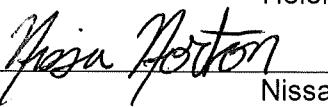
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30 **BE IT FURTHER RESOLVED** That a copy of this resolution be sent to
31 the Governor of Wisconsin, Wisconsin state legislators, and the Wisconsin
32 Counties Association. *(representing Door County)*

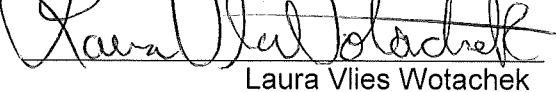
SUBMITTED BY: BOARD OF HEALTH


Megan Lundahl, Chair


Helen Bacon


Vinni Chomeau


Nissa Norton


Laura Vlies Wotachek

Dr. James Heise
Christa Krause
Mark Moeller

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted

1st Lundahl Defeated

2nd Norton

Yes: _____ No: _____ Exc: _____

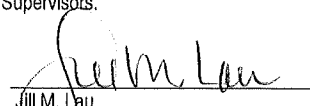
Reviewed by: _____, Corp. Counsel

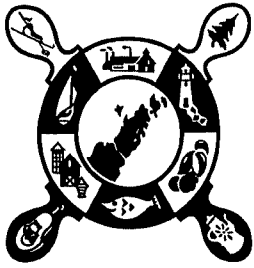
Reviewed by: _____, Administrator

FISCAL IMPACT: There is no additional fiscal impact with the adoption of this resolution. STW

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on 23rd day of July, 2019 by the Door County Board of Supervisors.


Jill M. Lau
County Clerk, Door County



**Door County
Health and Human Services**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Public Health Division
Susan Powers, RN, BSN
Health Officer/Manager
(920) 746-2234
publichealth@co.door.wi.us

Memo:

July 17, 2019

To: County Board

From: Susan Powers, Health Officer/Manager

Under state law, parents of children attending daycare or school are required to provide evidence of immunization. In 1980, Wisconsin legislation added personal conviction as a reason to opt out of vaccines, in addition to medical or religious reasons. This was during the very public debate over safety of the Pertussis vaccine. (Since then, the Pertussis vaccine has been reformulated with less side effects.) Currently, the number of parents who opt out of vaccines is five times higher than 20 years ago. Over 90% of those who opt out do so for personal reasons as opposed to religious or medical reasons.

June 6, 2019, Wisconsin State Senate Bill 262 was introduced relating to eliminating the personal conviction exemption for immunizations (bill attached). This bill would eliminate the ability to waive immunization requirements for children in school or childcare for personal reasons. The religious or medical waivers would remain in place. Currently, Wisconsin is one of 17 states that allow parents to opt out of vaccines for personal reasons. As of July 11, 2019, there have been 1,123 confirmed cases of measles in the US, across 28 states. This is the highest number on record since 1992. Measles is a vaccine preventable disease that the Center for Disease Control declared eliminated in the US in the year 2000.

If enough people in a community receive vaccines, it is difficult for a virus, such as measles, to spread in a community. This offers protection for people who are unable to get vaccines for health reasons such as HIV, or cancer. Consistent vaccination is the primary mechanism by which individuals who remain susceptible are protected against disease. Personal conviction waivers place the health of our community at risk.

This proposed legislation is a preventative measure. We are recommending that the County Board pass a resolution supporting the change proposed in Senate Bill 262. This was discussed and approved unanimously by the Board of Health.



2019 SENATE BILL 262

June 6, 2019 - Introduced by Senators CARPENTER, L. TAYLOR, SMITH, HANSEN, MILLER, RISSER, RINGHAND and LARSON, cosponsored by Representatives HINTZ, VORPAGEL, KOLSTE, BROSTOFF, L. MYERS, RIEMER, GOYKE, ANDERSON, STUBBS, ZAMARRIPA, B. MEYERS, SUBECK, CROWLEY, STEFFEN, SINICKI, CONSIDINE, FIELDS, DOYLE, VRUWINK, SPREITZER, EMERSON, POPE, OHNSTAD, HESSELBEIN, BILLINGS, SKOWRONSKI and NEUBAUER. Referred to Committee on Health and Human Services.

- 1 **AN ACT to amend** 49.155 (1m) (br) and 252.04 (3) of the statutes; **relating to:**
2 eliminating personal conviction exemption from immunizations.

Analysis by the Legislative Reference Bureau

This bill eliminates the ability to waive the immunization requirement for schools, child care centers, and nursery schools for the reason of personal conviction. Under current law, a student admitted to elementary, middle, junior, or senior high school, a child care center, or a nursery school must, within 30 days of admission, present evidence of having completed the first immunization for each vaccine required for the student's grade and being on schedule for the remainder of the basic and booster immunization series for mumps, measles, rubella, diphtheria, whooping cough, poliomyelitis, tetanus, and any other diseases the Department of Health Services specifies by rule. This immunization requirement is waived, however, if the student or the student's parent, guardian, or legal custodian instead submits a written statement to the school, child care center, or nursery school objecting to the immunization for reasons of health, religion, or personal conviction. A school, child care center, or nursery school may exclude a student who does not meet the immunization requirement or does not present a waiver and is required to exclude a student who does not meet the immunization requirement or does not present a waiver if fewer than 99 percent of the students have complied with the immunization requirement or presented a waiver. A court may issue an order directing a student to comply with the immunization requirement or present a waiver by a certain date, and if the student is not in compliance, the court may require an adult student or the parent, guardian, or legal custodian of a minor student to pay a forfeiture. This bill

grades K, 6 and 12 shall apply to students in grades K, 1, 6, 7 and 12; to students in grades K through 2, 6 through 8 and 12 in 2010-11; to students in grades K through 3, 6 through 9 and 12 in 2011-12; to students in grades K through 4, 6 through 10 and 12 in 2012-13; and to students in grades K through 12 in 2013-14 and thereafter.

(4) **FIRST DEADLINE.** Within 30 school days after having been admitted to a school or day care center, each student who has not filed a waiver form shall submit written evidence of having completed at least the first dose of each vaccine required for that student's age or grade, as outlined in Table DHS 144.03-A.

(5) **SECOND DEADLINE.** Within 90 school days after having been admitted to a school or day care center, each student who has not filed a waiver form shall submit written evidence of having received the second dose of each vaccine required for that student's age or grade, as outlined in Table DHS 144.03-A.

(6) **FINAL DEADLINE.** Within 30 school days after having been admitted to a school or day care center for the following school year, each student who has not filed a waiver form shall submit written evidence of having received the third and, if required, the fourth dose of both DTP/DTaP/DT/Td and polio vaccines and the final dose of Hep B in grades required under sub. (3) and, for students in day care centers, the final dose of Hib vaccine, if a dose has not been received at or after 15 months of age.

(7) **RECORDS OF VACCINATION.** Any person who immunizes a student under s. 252.04, Stats., shall maintain records identifying the manufacturer and lot number of the vaccine used, the date of immunization and the name and title of the person who immunized the student.

(10) **RELEASE OF IMMUNIZATION INFORMATION.** (a) *Between vaccine providers and schools or day care centers.* Vaccine providers shall disclose a student's immunization information, including the student's name, date of birth and gender and the day, month, year and name of vaccine administered, to a school or day care center upon written or verbal request from the school or day care center. Written or verbal permission from a student or parent is not required to release this information to a school or day care center.

(b) *Among vaccine providers.* Immunization information, including the student's name, date of birth and gender and the day, month, year and name of vaccine administered, shall be provided by one vaccine provider to another without written or verbal permission from the student or the parent.

History: Cr. Register, June, 1981, No. 306, eff. 7-1-81; r. and recr. (2) and (3), am. (4) to (6), Register, June, 1988, No. 390, eff. 7-1-88; am. (2) (a) to (d), (3) (a) and (b), r. (2) (e), Register, January, 1989, No. 397, eff. 2-1-89; am. (2) (a), (4) and (5), r. and recr. (3), tables 144.03-A and B, Register, July, 1990, No. 415, eff. 8-1-90; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; r. and recr. (2) (a), Table 144.03-A and (3), am. (2) (c) and (4) to (7), cr. (2) (e) and (10), r. Table 144.03-B, Register, June, 1997, No. 498, eff. 7-1-97; r. and recr. (2) (a) and Table 144.03-A, cr. (2) (f), (g) and (3m), am. (3) (a) and (6), Register, May, 2001, No. 545, eff. 6-1-01; CR 03-033: am. (2) (b), (c), (e) and Table 144.03-A Register December 2003 No. 576, eff. 1-1-04; CR 07-077: r. and recr. (2) (a), (f), (3), (3m) and Table-A, cr. (2) (h) and (i), am. (10) (a) and (b) Register February 2008 No. 626, eff. 3-1-08.

DHS 144.04 Waiver for health reasons. Upon certification by a licensed physician that an immunization required under s. 252.04, Stats., is or may be harmful to the health of a student, the requirements for that immunization shall be waived by the department. Written evidence of any required immunization which the student has previously received shall be submitted to the school or day care center with the waiver form.

History: Cr. Register, June, 1981, No. 306, eff. 7-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476.

DHS 144.05 Waiver for reason of religious or personal conviction. Immunization requirements under s. 252.04, Stats., shall be waived by the department upon presentation of a signed statement by the parent of a minor student or by the adult student which declares an objection to immunization on religious or personal conviction grounds. Written evidence of any required

immunization which the student has previously received shall be submitted to the school or day care center with the waiver form.

History: Cr. Register, June, 1981, No. 306, eff. 7-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; am. Register, June, 1997, No. 498, eff. 7-1-97.

DHS 144.06 Responsibilities of parents and adult students. The parent of any minor student or the student, if an adult, shall secure the immunizations required under s. 252.04, Stats., from available health care sources such as physicians' offices, hospitals or local health departments, or shall submit the waiver form.

History: Cr. Register, June, 1981, No. 306, eff. 7-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; am. Register, June, 1997, No. 498, eff. 7-1-97.

DHS 144.07 Responsibilities of schools and day care centers. (1) The responsibilities of schools under these rules shall be those of the local school board and the school administrator. The licensee for each day care center shall be responsible for compliance with these rules. The school or day care center shall assure compliance with s. 252.04 (2), Stats.

(1m) By the 15th school day after a child or adult is admitted to a school or day care center and again by the 25th school day after a child or adult is admitted to a school or day care center, the school or day care center shall notify the adult student or the parent of any minor student who has not submitted either written evidence of immunization or a waiver form. Notification shall include instructions for complying with the requirements of s. 252.04 (2), Stats., including a list of missing immunizations, the availability of waivers for reasons of health, religion or personal conviction, and an explanation of the penalty for noncompliance.

(2) For any student who has received the first dose of each immunization required for that student's age or grade under s. DHS 144.03, but who has not received all of the required doses, the school shall obtain written evidence that the student has received the required subsequent doses of immunization as they are administered, but no later than the deadlines described in s. DHS 144.03.

(3) If any minor student for whom a waiver form is not filed fails to comply with the immunization requirements described in s. DHS 144.03 by the date of admission to the school or day care center, the school or day care center shall, within 60 school days of that failure to comply, notify the district attorney in writing, with the notice to include the student's name and the name and address of the student's parent, and request the district attorney to seek a court order under s. 48.13 (13), Stats. The school or day care center shall keep the district attorney apprised of the subsequent compliance of a student initially reported to the district attorney.

(4) (a) The school shall report to the local health department and the day care center shall report to both the local health department and the department:

1. The degree of compliance with s. 252.04, Stats., and this chapter by students in that school or day care center.

2. The name and immunization history of any incompletely immunized student, including those students with waivers and those students in the process of being immunized.

(b) These reports shall be in a format prescribed by the department and shall be made by schools within 40 school days after the beginning of the term and by day care centers at intervals prescribed by the department. Updated reports shall be filed by the school on students who are in the process of being immunized. These updated reports shall be filed within 10 school days after the deadlines listed in s. DHS 144.03.

(5) The school and the day care center shall maintain on file the immunization history for each student and any waiver form submitted. Immunization histories shall be updated with information supplied by the local health department, parents or private physicians.

252.03 COMMUNICABLE DISEASES

Updated 17–18 Wis. Stats. 2

(3) If the local authorities fail to enforce the communicable disease statutes and rules, the department shall take charge, and expenses thus incurred shall be paid by the county or municipality.

(4) No person may interfere with the investigation under this chapter of any place or its occupants by local health officers or their assistants.

History: 1981 c. 291; 1993 a. 27 s. 285; Stats. 1993 s. 252.03.

252.04 Immunization program. (1) The department shall carry out a statewide immunization program to eliminate mumps, measles, rubella (German measles), diphtheria, pertussis (whooping cough), poliomyelitis and other diseases that the department specifies by rule, and to protect against tetanus. Any person who immunizes an individual under this section shall maintain records identifying the manufacturer and lot number of the vaccine used, the date of immunization and the name and title of the person who immunized the individual. These records shall be available to the individual or, if the individual is a minor, to his or her parent, guardian or legal custodian upon request.

(2) Any student admitted to any elementary, middle, junior, or senior high school or into any child care center or nursery school shall, within 30 school days after the date on which the student is admitted, present written evidence to the school, child care center, or nursery school of having completed the first immunization for each vaccine required for the student's grade and being on schedule for the remainder of the basic and recall (booster) immunization series for mumps, measles, rubella (German measles), diphtheria, pertussis (whooping cough), poliomyelitis, tetanus, and other diseases that the department specifies by rule or shall present a written waiver under sub. (3).

(3) The immunization requirement is waived if the student, if an adult, or the student's parent, guardian, or legal custodian submits a written statement to the school, child care center, or nursery school objecting to the immunization for reasons of health, religion, or personal conviction. At the time any school, child care center, or nursery school notifies a student, parent, guardian, or legal custodian of the immunization requirements, it shall inform the person in writing of the person's right to a waiver under this subsection.

(4) The student, if an adult, or the student's parent, guardian, or legal custodian shall keep the school, child care center, or nursery school informed of the student's compliance with the immunization schedule.

(5) (a) By the 15th and the 25th school day after the date on which the student is admitted to a school, child care center, or nursery school, the school, child care center, or nursery school shall notify in writing any adult student or the parent, guardian, or legal custodian of any minor student who has not met the immunization or waiver requirements of this section. The notices shall cite the terms of those requirements and shall state that court action and forfeiture penalty could result due to noncompliance. The notices shall also explain the reasons for the immunization requirements and include information on how and where to obtain the required immunizations.

(b) 1. A school, child care center, or nursery school may exclude from the school, child care center, or nursery school any student who fails to satisfy the requirements of sub. (2).

2. Beginning on July 1, 1993, if the department determines that fewer than 98 percent of the students in a child care center, nursery school, or school district who are subject to the requirements of sub. (2) have complied with sub. (2), the child care center or nursery school shall exclude any child who fails to satisfy the requirements of sub. (2) and the school district shall exclude any student enrolled in grades kindergarten to 6 who fails to satisfy the requirements of sub. (2).

3. Beginning on July 1, 1995, if the department determines that fewer than 99 percent of the students in a child care center, nursery school, or school district who are subject to the requirements of sub. (2) have complied with sub. (2), the child care center or nursery school shall exclude any child who fails to satisfy the

requirements of sub. (2) and the school district shall exclude any student enrolled in grades kindergarten to 6 who fails to satisfy the requirements of sub. (2).

4. No student may be excluded from public school under this paragraph for more than 10 consecutive school days unless, prior to the 11th consecutive school day of exclusion, the school board provides the student and the student's parent, guardian or legal custodian with an additional notice, a hearing and the opportunity to appeal the exclusion, as provided under s. 120.13 (1) (c) 3.

(6) The school, child care center, or nursery school shall notify the district attorney of the county in which the student resides of any minor student who fails to present written evidence of completed immunizations or a written waiver under sub. (3) within 60 school days after being admitted to the school, child care center, or nursery school. The district attorney shall petition the court exercising jurisdiction under chs. 48 and 938 for an order directing that the student be in compliance with the requirements of this section. If the court grants the petition, the court may specify the date by which a written waiver shall be submitted under sub. (3) or may specify the terms of the immunization schedule. The court may require an adult student or the parent, guardian, or legal custodian of a minor student who refuses to submit a written waiver by the specified date or meet the terms of the immunization schedule to forfeit not more than \$25 per day of violation.

(7) If an emergency arises, consisting of a substantial outbreak as determined by the department by rule of one of the diseases specified in sub. (2) at a school or in the municipality in which the school is located, the department may order the school to exclude students who are not immunized until the outbreak subsides.

(8) The department shall provide the vaccines without charge, if federal or state funds are available for the vaccines, upon request of a school district or a local health department. The department shall provide the necessary professional consultant services to carry out an immunization program, under the requirements of sub. (9), in the jurisdiction of the requesting local health department. Persons immunized may not be charged for vaccines furnished by the department.

(9) (a) An immunization program under sub. (8) shall be supervised by a physician, selected by the school district or local health department, who shall issue written orders for the administration of immunizations that are in accordance with written protocols issued by the department.

(b) If the physician under par. (a) is not an employee of the county, city, village or school district, receives no compensation for his or her services under par. (a) and acts under par. (a) in accordance with written protocols issued by the department, he or she is a state agent of the department for the purposes of ss. 165.25 (6), 893.82 (3) and 895.46.

(c) The department may disapprove the selection made under par. (a) or may require the removal of a physician selected.

(9m) A pharmacist or pharmacy that administers a vaccine under this section to a person 6 to 18 years of age shall update the Wisconsin Immunization Registry established by the department within 7 days of administering the vaccine.

(10) The department shall, by rule, prescribe the mechanisms for implementing and monitoring compliance with this section. The department shall prescribe, by rule, the form that any person immunizing a student shall provide to the student under sub. (1).

(11) Annually, by July 1, the department shall submit a report to the legislature under s. 13.172 (3) on the success of the statewide immunization program under this section.

History: 1993 a. 27 ss. 181, 470; 1995 a. 32, 77, 222; 2009 a. 185; 2015 a. 55.
Cross-reference: See also chs. DHS 144 and 146, Wis. adm. code.

252.041 Compulsory vaccination during a state of emergency. (1) Except as provided in sub. (2), during the period under which the department is designated as the lead state agency, as specified in s. 250.042 (2), the department, as the public health authority, may do all of the following as necessary to address a public health emergency: