

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 361 Session of
2009

INTRODUCED BY CRUZ, YOUNGBLOOD, FRANKEL, SIPTROTH, KIRKLAND,
READSHAW, PHILLIPS, STABACK, D. COSTA, GEORGE AND JOSEPHS,
FEBRUARY 11, 2009

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, FEBRUARY 11,
2009

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in pupils and attendance, further
6 providing for immunization required and penalty; and
7 requiring children to be tested for diabetes prior to
8 admission.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 1303 of the act of March 10, 1949 (P.L.
12 30, No.14), known as the Public School Code of 1949, added April
13 11, 1974 (P.L.258, No.67), is amended to read:

14 Section 1303. Immunization and Testing for Diabetes
15 Required; Penalty.--(a) It shall be the duty of all school
16 directors, superintendents, principals, or other persons in
17 charge of any public, private, parochial, or other school
18 including kindergarten, to ascertain that every child, prior to
19 admission to school for the first time has been:

20 (1) immunized, as the Secretary of Health may direct,

1 against such diseases as shall appear on a list to be made and
2 from time to time reviewed by the Advisory Health Board[.]; and
3 (2) tested, as the Secretary of Health may direct, for
4 diabetes.

5 All certificates of immunization and testing shall be issued
6 in accordance with the rules and regulations promulgated by the
7 Secretary of Health with the sanction and advice of the Advisory
8 Health Board.

9 (b) Any person who shall fail, neglect, or refuse to comply
10 with, or who shall violate, any of the provisions or
11 requirements of this section, except as hereinafter provided,
12 shall, for every such offense, upon summary conviction thereof,
13 be sentenced to pay a fine of not less than five dollars (\$5)
14 nor more than one hundred dollars (\$100), and in default
15 thereof, to undergo an imprisonment in the jail of the proper
16 county for a period not exceeding sixty (60) days. All such
17 fines shall be paid into the treasury of the school district.

18 (c) The provisions of this section shall not apply in the
19 case of any child deemed to have a medical contraindication
20 which may contraindicate immunization or testing and so
21 certified by a physician. Such certificates may be accepted in
22 lieu of a certificate of immunization and testing.

23 (d) The provisions of this section shall not apply in the
24 case of any child whose parent or guardian objects in writing to
25 such immunization or testing on religious grounds.

26 Section 2. This act shall take effect in 60 days.