

## **NOTICE OF PROPOSED RULEMAKING** **“Immunization of School Children”** **Revisions to Regulation 511-2-2-.07**

The Department of Public Health, through its Division of Health Protection, proposes the attached amendments to DPH Regulation 511-2-2-.07, pursuant to its authority under O.C.G.A. Sections 31-2A-6, 31-12-3, and 20-2-771.

The Department is authorized and required to establish rules for immunization of school children in order to protect the population of the State from the spread of communicable disease. The State benefits from the greatest possible participation in child immunization; large numbers of unvaccinated children threaten the “herd immunity” needed to prevent the spread of dangerous diseases, such as measles, which has recently reappeared among American babies and children as a result of contact with overseas travelers.

Code Section 20-2-771(e) states that immunization shall not be required if the parents “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 [their] religious beliefs.” It is the intent of the Department to accommodate all persons who sincerely hold such religious beliefs. It is not the intent of the Department to inquire into anyone’s religious beliefs. However, it has come to the Department’s attention that the religious objection provisions of Code Section 20-2-771(e) have been used by persons who have no such religious beliefs, but whose objections rest on grounds of personal philosophy or even mere inconvenience.

It has also come to the Department’s attention that there is no consistent or standardized form for the religious objection affidavit. Practices vary throughout the State’s many school systems. It is important that persons who wish to register a religious objection are fully informed of the possible consequences. The proposed standard affidavit will make it possible for those with sincere religious objections to make an informed decision and assert their rights by filling out a short and simple form, and will ensure consistency in the application of Code Section 20-2-771.



Interested persons may submit comments on these proposed revisions in writing addressed to:

Sidney R. Barrett, Jr.  
General Counsel  
Georgia Department of Public Health  
2 Peachtree Street, NW, 15<sup>th</sup> Floor  
Atlanta GA 30303

Comment may also be presented in person at a public meeting scheduled for 1:00 p.m., 26  
MAY 2015, in room 9-260 at 2 Peachtree Street, NW, 15<sup>th</sup> Floor, Atlanta GA.



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Sidney R. Barrett, Jr.  
General Counsel

**511-2-2-.07 Religious Objections to Required Immunizations.**

(1) Except as provided in subsection (2) below, a child shall be exempt from the required immunizations if the parent or legal guardian ~~furnished a written statement swearing or affirming that such immunizations conflict with his or her religious beliefs~~ has filed with the school or childcare facility a completed affidavit on DPH Form 2208.

(2) When the Department or a County Board of Health determines that an epidemic or the threat of an epidemic exists, the Department or Board shall immediately notify the governing authorities of all schools and childcare facilities within the affected area. Under those circumstances, the Department or Board may require immunization for those who object on the grounds of religious beliefs, ~~or may alternatively~~ and may prohibit attendance at schools or childcare facilities within the area by unimmunized children.

(3) Persons who wish to register a religious objection to the vaccination of their child shall do so using the following DPH Form 2208:

**AFFIDAVIT OF RELIGIOUS OBJECTION TO IMMUNIZATION**

[Name of parent or legal guardian] personally appeared before the undersigned notary public and swore or affirmed as follows:

1. I am the parent or legal guardian of [name of minor child].
2. I understand that the Georgia Department of Public Health requires children to obtain the following vaccinations before being admitted to a childcare facility or school: diphtheria; haemophilus influenzae type B (not required on or after the fifth birthday); hepatitis A; hepatitis B; measles; meningitis; mumps; pertussis (whooping cough); pneumococcal (not required on or after the fifth birthday); poliomyelitis; rubella (German measles); tetanus; and varicella (chickenpox).
3. I understand that the Georgia Department of Public Health has determined that these vaccinations are necessary to prevent the spread of dangerous diseases among the children and people of this State; that the required vaccinations are safe; that a child who does not receive these vaccinations is at risk of contracting those diseases; and that a child who does not receive those vaccinations is at risk of spreading those diseases to me, to other children in the childcare facility or school, and to other persons.
4. I sincerely affirm that vaccination is contrary to my religious beliefs, and that my objections to vaccination are not based solely on grounds of personal philosophy or inconvenience.
5. I understand that, notwithstanding my religious objections, my child may be excluded from childcare facilities or schools during an epidemic or threatened epidemic of any disease preventable by a vaccination required by the Georgia Department of Public Health, and that my child may be required to receive a vaccination in the event that such a disease is in epidemic stages.

This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Parent or Legal Guardian

Sworn and subscribed before me this \_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-771, 31-12-3, 49-5-12.