

## **FINAL STATEMENT OF REASONS**

The information contained in the Initial Statement of Reasons (ISOR) at the time of the Public Notice remains unchanged with the exception of the following modifications.

The Department proposes the following nonsubstantive changes:

- The authority and reference notes throughout the proposed regulation text are updated to be consistent with current California statutes.
- The numerical values 0-9 in the regulation text, except for the tables, have been spelled out.

### **Section 6000**

#### **Subdivision (b)**

In response to a public comment that adopting the definition of “governing authority” may not accurately reflect the governing authority of a public school district, the California Department of Public Health (Department) proposes to revise the definition by referring to the definition provided in Health and Safety Code (HSC) section 120335, subdivision (a). To make the regulation more evergreen, the Department proposes a nonsubstantive change by not specifying “subdivision (a)” in the definition in case the subdivision lettering changes in statute.

#### **Subdivision (c)**

To be consistent with the other immunization abbreviations, “vaccine” is added to the “Td” definition in paragraph 4.

#### **Subdivision (f)**

In response to public comments requesting clarification of a “licensed physician,” the Department proposes to add the more encompassing statutory citation Business Code Chapter 5 (commencing with section 2000) that includes information specific to the requirements for licensure of physicians and osteopathic physicians. The Reference Note is revised accordingly.

#### **Subdivision (g)**

The Department proposes nonsubstantive punctuation and grammar changes.

#### **Subdivision (h)**

The Department proposes nonsubstantive punctuation and grammar changes, as well as to add “pre-school” to further enumerate the various types of pre-kindergarten facilities.

#### **Subdivision (j)**

In response to a public comment, the Department proposes to revise the definition of “pupil’s record” by referring to the definition of pupil record in title 5 of section 430 of the California Code of Regulations (CCR) for pupils in kindergarten through 12<sup>th</sup> grade (K-

12). To make the regulation more evergreen, the Department proposes a nonsubstantive change by not specifying “subdivision (d)” in the definition in case the subdivision lettering changes in title 5 CCR section 430.

**Subdivision (m)**

In response to a public comment, the Department proposes to add a definition for “vaccine.” As the Department is directed in statute to take into consideration the recommendations of the Advisory Committee on Immunization Practices (ACIP), this proposed definition refers to the immunizations recommended by ACIP.

**Section 6025**

**Subdivision (a)**

The Department proposes a nonsubstantive change for clarity by adding “of this section” after “Table A or B.”

**Subdivision (b)**

The Department proposes nonsubstantive grammar changes.

**Table A**

In response to a public comment, the Department proposes to add footnote 1 to clarify that as pupils age in pre-kindergarten they become subject to additional requirements and to allow parents up to 30 days after a pupil ages into a new requirement to submit proof of immunization. The footnotes are re-numbered accordingly.

In footnote 2, the Department proposes to clarify that the combination vaccine “DTP” may count toward the DTaP requirement.

In footnote 3, the Department proposes nonsubstantive grammar changes.

In order to be consistent with ACIP recommendations, the Department proposes to revise footnote 4 to specify that only children younger than five years are subject to the Hib vaccine requirement.

The Department proposes a nonsubstantive change to capitalize all the letters in the column headings in Table A to be consistent with Tables B, C and D.

The Department proposes a nonsubstantive change to format Table A with gridlines and a bolded, shaded header to increase readability.

**Table B**

The Department proposes a nonsubstantive change to format Table B with gridlines and a bolded, shaded header to increase readability.

In footnotes 2 and 5, the Department proposes to specify that the combination vaccine “DTP” may count toward the DTaP requirement.

For footnote 3, the Department proposes a nonsubstantive change.

The Department proposes to add footnote 6 to reflect Health and Safety Code (HSC) section 120335, subdivision (c), which excludes Hep B immunization status to be a condition by which a school admits or advances a pupil into 7<sup>th</sup> grade but not other grades. The footnotes are re-numbered accordingly.

### **Section 6035**

#### **Subdivision (a) and (c)**

The Department proposes nonsubstantive grammar changes.

The Department proposes a nonsubstantive change to correct the omission of “she” in strikeout font at the beginning of paragraph (a)(3).

#### **Subdivision (d)**

In response to public comments, the Department proposes to revise 6035(d)(2) to clarify that documentation other than receipt of a Tdap dose may satisfy the Tdap requirement (e.g., medical exemption or other means footnoted in Table B). Nonsubstantive changes are also made.

#### **Subdivision (e)**

The Department proposes a nonsubstantive punctuation change.

#### **Table C**

The Department proposes to add a statement to clarify that pupils must receive at least the first dose of each required vaccine and not be due for any doses before they can be conditionally admitted. Though this requirement is implied by not including a first dose as an option in the table, this statement makes the requirement explicit.

The Department proposes a nonsubstantive change to format Tables C and D with gridlines and a bolded, shaded header to increase readability.

#### **Table D**

The Department proposes to add a statement to clarify that pupils must receive at least the first dose of each required vaccine and not be due for any doses before they can be conditionally admitted. Though this requirement is implied by not including a first dose as an option in the table, this statement makes the requirement explicit.

The Department proposes to add footnote 1 with respect to polio vaccine to be consistent with Table B and ACIP recommendations.

The Department proposes to revise footnote 2 with respect to DTaP, DTP, and Tdap to be consistent with Table B and ACIP recommendations.

In response to a public comment, the Department proposes to extend the due date in the conditional admission schedule for the MMR dose #2 from eight weeks to four months. This change is in keeping with varicella vaccine dose #2 to accommodate MMRV interval spacing in children younger than 13 years.

### **Section 6040**

#### **Subdivision (a)**

In response to a public comment, the Department proposes to revise 6040(a)(2) to clarify that documentation other than receipt of missing vaccine doses (e.g., a medical exemption) may also meet the requirement when a pupil is discovered by a school or pre-kindergarten facility to be missing doses after the time they were due.

#### **Subdivision (b)**

In response to a public comment, the Department proposes to revise 6040(b) to clarify that documentation other than receipt of doses for 7<sup>th</sup> grade immunization requirements (e.g., a medical exemption) may also meet the requirement prior to first 7<sup>th</sup> grade attendance.

### **Section 6050**

#### **Subdivision (a)**

The Department proposes a nonsubstantive change to correct the omission of “section” before 6035.

The Department proposes to reformat subdivision (a) to have a consistent structure for both types of medical exemptions described in this section and section 6051. The subdivisions are re-numbered accordingly. Additionally, the Department proposes to revise language to clarify that receipt of required immunizations for those immunizations not temporarily exempted is not the only way to meet the requirements; a permanent medical exemption also meets the requirement.

Public comments requested the language in subdivision (a) mirror the language in HSC section 120370; therefore, the Department proposes to:

1. Delete “contraindication;” the term “contraindicate” was removed from HSC section 120370 per Senate Bill (SB) 277 (Pan. Public health: vaccinations, Chapter 35, Approved by Governor June 30, 2015. Filed with Secretary of State June 30, 2015), and
2. Revise paragraph (a)(1) to include “the specific nature of the physical condition or medical circumstance for which the licensed physician does not recommend immunization;” this language is paraphrased from HSC section 120370(a).

**Subdivision (b)**

The Department proposes to revise language to clarify that obtaining required immunizations after a temporary medical exemption expires is not the only way to meet the requirements (a permanent medical exemption would also meet the requirements).

The Department proposes a nonsubstantive change by changing “per” to “pursuant to.”

**Subdivision (c)**

The Department proposes a nonsubstantive change by adding “written” before “statement” to be consistent with subdivision (a), which uses “written statement.”

The Department proposes a nonsubstantive change for clarity by adding “Notwithstanding subdivision (a)(4).” This change clarifies that a temporary medical exemption cannot exceed twelve months from the date the exemption is written even if the dates after each vaccine as noted in (a)(4) exceed twelve months.

**Section 6051**

**Subdivision (a)**

The Department proposes nonsubstantive reformatting changes by adding paragraphs that list the information required in a medical exemption so that both types of medical exemptions described in this section and section 6050 have a consistent structure and are easier to read.

Public comments requested that the language in subdivision (a) that refers to a child’s medical condition mirror the language in HSC section 120370(a). Therefore, the Department proposes paragraph (1) state “the specific nature of the physical condition or medical circumstance for which the licensed physician does not recommend immunization.”

The Department proposes a nonsubstantive change to subdivision (a) to correct the omission of underlining “from” in “(a) A pupil with a permanent medical exemption from a required immunization...”

**Subdivision (b)**

The Department proposes to add “for specific immunization(s)” to reiterate a medical exemption must include from which immunizations a pupil is exempt.

**Section 6055**

The Department proposes a nonsubstantive change to clarify a regulatory reference to Article 2 of subchapter 8.

### **Section 6065**

In subdivision (a), the Department proposes a nonsubstantive change to be consistent with language in HSC section 120355 by replacing “physician or agency performing” with “person or organization administering.”

In subdivision (c), the Department proposes a nonsubstantive change by adding a comma before “conditionally or otherwise.”

### **Section 6070**

#### **Subdivision (a)**

The Department proposes nonsubstantive grammar and clarity changes.

#### **Subdivision (b)**

The Department proposes to remove from paragraph (5) reference to male or female (M, F) to accommodate for other genders.

Additionally, the Department proposes revising paragraph (9) to clarify that a permanent medical exemption (PME) should be marked for each applicable vaccine. As previously written, there may have been confusion as to whether to mark PME only once even if multiple vaccines are exempted.

#### **Subdivision (c)**

As the Department is repealing the regulated forms listed in this subdivision and will no longer make them available, the Department proposes to remove this subdivision. The subdivisions are re-numbered accordingly and nonsubstantive grammar changes are proposed.

### **Section 6075**

#### **Subdivision (c) – (e)**

The Department proposes nonsubstantive grammar changes.

#### **Subparagraphs (c)(3)(I), (d)(5)(G), and (e)(5)(G)**

The Department proposes to add a reporting category that can account for pupils admitted under criteria not listed in regulation, such as pupils allowed admission pursuant to HSC section 120335(f) or (h). Without this category, pupils may be inaccurately counted in other categories.

**ATTACHMENTS TO THE FINAL STATEMENT OF REASONS  
ADDENDUM I  
45-Day Public Notice  
Summary of Comments and Responses to Comments Received**

**Section 6000**

**Subdivision (a)**

Comment: A commenter requested that the definition of conditional admission include 1) homeless children; 2) foster youth; 3) children of military families, and 4) special education students with an individualized education program (IEP) to ensure they are immediately enrolled in school or have access to special education services even without immunization documentation.

Commenter: 553

Response: No change was made in response to this comment. Section 6035(d)(1) would apply to all students transferring from another school in the U.S., including groups 1-4 listed above, and would allow immediate admission up to 30 school days while awaiting records to arrive at the new school.

**Subdivision (b)**

Comment: A commenter suggested that the proposed definition of “governing authority” may not accurately reflect the governing authority of a public school district.

Commenter: 553

Response: The Department proposes to revise the definition by referring to the definition provided in HSC section 120335.

**Subdivision (f)**

Comment: A commenter requested clarification of the definition of “licensed physician.”

Commenters: 553

Response: The Department proposes to add the more encompassing statutory citation that includes information specific to the requirements for licensure of physicians and osteopathic physicians.

Comment: Commenters requested that the proposed definition of “licensed physician” include physicians licensed outside of California.

Commenters: 4, 51-323, 370-389, 557

Response: No changes were made in response to these comments. Physicians licensed in California are available for evaluation and care for children attending pre-kindergarten facilities and school in California. Children attending pre-kindergarten facilities and school in California, especially those with medical conditions associated with medical exemptions, merit ongoing care from local physicians. Additionally, verification of licensure issued outside of California poses more challenges for staff at California schools and pre-kindergarten facilities.

**Subdivision (i)**

Comment: A commenter suggested that using “any school” in the definition of “pupil” would imply children who are homeschooled must meet the immunization requirements even though they were exempted from the requirements by Senate Bill (SB) 277 (Pan, Chapter 35, Statutes of 2015).

Commenter: 4

Response: The exemption for pupils in home-based private schools or independent study programs and do not receive classroom-based instruction is provided in HSC section 120335, subdivision (f).

**Subdivision (j)**

Comment: A commenter recommended the definition of “pupil’s record” be consistent with the definition in the Education Code and federal law to avoid any confusion.

Commenter: 553

Response: The Department proposes to revise the definition of “pupil’s record” by referring to the definition of “pupil record” in title 5 of section 430 of the California Code of Regulations (CCR), for pupils in K-12.

**Subdivision (k)**

Comment: A commenter requested a definition of “school” and to note that homeschooled children are exempt from immunization requirements.

Commenter: 4

Response: No change was made in response to this comment. A definition of “school” is proposed in subdivision 6000(k) as “school means any private or public kindergarten, elementary, or secondary school.” The exemption for pupils in home-based private schools or independent study programs and do not receive classroom-based instruction is provided in HSC section 120335, subdivision (f).

**Subdivision (m)**

Comment: A commenter requested a definition of immunizations and vaccines for the purposes of these regulations.

Commenter: 332

Response: The Department proposes to add a definition for “vaccine.” As the Department is directed in statute to take into consideration the recommendations of the Advisory Committee on Immunization Practices (ACIP), this proposed definition refers to the immunizations recommended by ACIP.

**Section 6025**

Comment: A commenter suggested removing “regardless of exemptions to other required vaccines” from paragraph (a)(1) as it did not seem clear what this meant.

Commenter: 4

Response: No change was made in response to this comment. The language indicates documentation is required for vaccine doses that have been received when other doses have not been received due to an exemption.

Comment: A commenter suggested deleting the reference to section 6070 in subdivision (a)(1) as it refers to school district personnel recording immunization information provided by the parent in accordance with section 6065.

Commenter: 553

Response: No change was made in response to this comment. The reference to 6070 incorporates existing California School Immunization Records that may be transferring with a pupil. The transferred record is acceptable documentation.

Comment: A commenter requested clarification about whether personal beliefs exemptions (PBEs) currently on file were limited to 1 year or other terms more restrictive than SB 277.

Commenter: 556

Response: No change was made in response to this comment. The proposed regulations do not limit the timeframe for PBEs filed before January 1, 2016. In section 6025(a)(3), the proposed regulations refer to HSC section 120335 for requirements related to PBEs.

Comment: A commenter suggested subdivision (b) is unclear. The commenter asserted that the intent appears to be that pupils who are originally admitted unconditionally to school must provide documentary proof of additional required immunizations appropriate for their age or grade.

Commenter: 553

Response: No change was made in response to this comment. The proposed language seems sufficiently clear.

### **Table A**

Comment: A commenter recommended the regulations allow for an alternative schedule to Table A.

Commenter: 1

Response: No change was made in response to this comment. Table A is consistent with national recommendations. Alternative schedules may increase the time in which young children are vulnerable to vaccine-preventable diseases in the pre-kindergarten setting.

Comment: A commenter asked to further clarify by when children enrolled in a pre-kindergarten facility must meet their additional immunization requirements as they grow older.

Commenter: 332

Response: The Department proposes to add footnote 1 to clarify that as pupils age in the pre-kindergarten setting they become subject to additional requirements and to allow parents up to 30 days after a pupil ages into a new requirement to submit proof of immunization.

**Table B**

Comment: Several commenters requested the Department remove the proposed requirement for 2 doses of varicella vaccine at 7<sup>th</sup> grade advancement stating the requirement is not in statute.

Commenter: 4, 51-323, 370-389, 557

Response: No change was made in response to this comment. HSC section 120325(a) lists the vaccine-preventable diseases for which the Legislature intends achievement of total immunization. The list includes varicella (chickenpox), under HSC section 120325(a)(10). Similarly, HSC section 120335(b)(10) includes varicella among the diseases for which immunization shall be documented. Section 6025 is being updated to 2 doses of varicella vaccine for children younger than age 13 years in kindergarten through 12th grade, including a time-limited 7<sup>th</sup> grade advancement requirement, to be consistent with the revised national ACIP recommendations that define full immunization for children.

Comment: A commenter requested the regulations require all vaccines recommended by ACIP.

Commenter: 333

Response: No change was made in response to this comment. The Department supports ACIP recommendations for California's children. The Department will continue to assess the benefits and costs of additional immunization requirements.

Comment: A commenter disagreed with the elimination of the requirement "pupils who have reached their seventh birthday shall be exempt from the mumps immunization requirements."

Commenter: 404

Response: No change was made in response to this comment. This language is no longer consistent with national recommendations and was deleted from statute by Assembly Bill (AB) 354 (Arambula, Health: immunizations, Chapter 434, Approved by Governor September 29, 2010. Filed with Secretary of State September 29, 2010).

Comment: A commenter disagreed with the elimination of the language "Pupils already admitted to California public and private schools at the Kindergarten level or above before July 1, 2001 are exempt from the Varicella (chicken pox) requirement as set forth in Table 1."

Commenter: 404

Response: No change was made in response to this comment. Persons admitted to school prior to 2001 are no longer subject to school immunization requirements because they are 18 years of age or older. (Health & Saf. Code, §120360.) Therefore, this language is no longer applicable.

**Section 6035**

Comment: A commenter requested “permanent or temporary medical exemption” be added to paragraph (a)(1) and (a)(2) as part of conditional admission and for paragraphs (a)(1) - (3) to have similar wording.

Commenter: 4

Response: No change was made in response to this comment. Section 6035(a)(1) through (3) list the three different ways a child may qualify for conditional admission, including a temporary medical exemption. A permanent medical exemption is not included in this section because it falls under unconditional admission in section 6025(a)(2).

Comment: A commenter suggested subdivision (a) use consistent terminology and structure to section 6025(a) by specifically noting a pupil admitted conditionally would not have a PME or PBE.

Commenter: 553

Response: No change was made in response to this comment. The language in section 6035(a) is sufficiently clear. Additionally, a pupil could have a PME or PBE to some required vaccines but be conditionally admitted if they are in the process of obtaining other required vaccines that are not yet due.

Comment: A commenter noted that in Table D, Hep B vaccine spacing does not allow for accommodation of 2-dose Hep B vaccine spacing (in 11-15 year olds).

Commenter: 1

Response: There was no change made in response to this comment. The 3-dose Hep B vaccine is typically used in the United States (U.S.). A physician could write a temporary medical exemption (TME) if needed to accommodate use of the 2-dose Hep B vaccine, which has a longer time interval between doses.

Comment: A commenter thought that temporary medical exemptions were eliminated in the proposed regulations.

Commenter: 3

Response: There was no change made in response to this comment. Section 6035(a)(3) lists a temporary medical exemption as a type of conditional admission. This option has not been eliminated.

**Subdivision (d)**

Comment: A commenter recommended that paragraph (d)(1) be specific to pupils transferring from a school outside of California out of concern that PBE documentation from pupils transferring within California would not be accepted.

Commenter: 4

Response: No change was made in response to this comment. Section 6035(d)(1) notes that documentation of compliance with the immunization requirements includes documentation specified in sections 6025, 6035, and 6040(a). Section 6025(a)(3) includes allowance of existing PBEs per HSC section 120335(g).

Comment: A commenter suggested the language in paragraph (d)(1) reflect that transfer students would be conditionally admitted for up to 30 school days and that students with IEPs should be included in this paragraph.

Commenter: 553

Response: No change was made in response to this comment. The language in section 6035(d)(1) is sufficiently clear. Schools may allow up to 30 school days of conditional admission while awaiting records from the prior school or other source. This allowance could apply to all pupils transferring from within the U.S. regardless of whether they have an IEP.

Comment: A commenter noted that there may be additional vaccinations in addition to the Tdap that would satisfy the pertussis immunization requirements for entry into 7<sup>th</sup> grade.

Commenter: 553

Response: The Department proposes to revise section 6035(d)(2) to clarify that documentation of allowable alternatives to receipt of a Tdap dose may also satisfy the Tdap requirement (medical exemption or other means footnoted in Table B of section 6025).

#### **Table D**

Comment: A commenter requested that the MMR dose #2 due date in the conditional admission schedule be changed to accommodate the interval spacing for the use of the MMRV vaccine.

Commenter: 1

Response: The Department proposes to extend the due date in the conditional admission schedule for the MMR dose #2 from eight weeks to four months. This change is in keeping with varicella vaccine dose #2 to accommodate MMRV vaccine interval spacing in children younger than 13 years.

#### **Section 6040**

##### **Subdivision (a)**

Comment: A commenter expressed concern that if a school discovers a student is missing doses that 10 school days may not be enough time to receive missing doses due to limited health provider availability; instead, the regulations should allow 30 days.

Commenter: 1, 553

Response: There was no change made in response to this comment. Allowing more time to remain in school without all required immunizations would increase the time in which children are vulnerable to vaccine-preventable diseases in the school setting.

Comment: A commenter suggested that if the issue of discovering missing doses after admission comes up more than rarely, there should be an actual penalty for cases of intentional fraud or misrepresentation.

Commenter: 2

Response: There was no change made in response to this comment. This would require a statutory change rather than a regulatory change.

Comment: A commenter suggested that the language in subdivision (a) be revised to apply to a "pupil attending a school or prekindergarten facility who was previously believed to be in receipt of all required immunizations for the pupil's age or grade," in lieu of the reference to "believed to be in compliance".

Commenter: 553

Response: No change was made in response to this comment. Compliance is defined more broadly at the end of the sentence by stating, ". . . compliance with either the unconditional admission requirements specified in section 6025 or the conditional admission requirements specified in section 6035." The language seems sufficiently clear.

Comment: A commenter requested that in (a)(2) a TME or PME be included among documentation that satisfies requirements when a pupil is discovered to be missing required vaccine doses.

Commenter: 4

Response: The Department proposes to revise section 6040(a)(2) to clarify that documentation other than receipt of missing vaccine doses (e.g., a medical exemption) may also meet the requirement when a pupil is discovered by a school or pre-kindergarten facility to be missing doses after the time they were due.

### **Subdivision (b)**

Comment: A commenter requested that documentation of a TME or PME be included among documentation that satisfies 7<sup>th</sup> grade requirements for continued attendance.

Commenter: 4

Response: The Department proposes to revise section 6040(b) to clarify that documentation other than receipt of doses for 7<sup>th</sup> grade immunization requirements (e.g., a medical exemption) may also meet the requirement prior to first 7<sup>th</sup> grade attendance.

Comment: A commenter suggested subdivision (b) may be unclear or cause confusion to schools as not every intermediate, middle, or junior high school begins with 7<sup>th</sup> grade and therefore monitoring of immunization requirements could happen while a student continues to be enrolled in the same school.

Commenter: 553

Response: No change was made in response to this comment. The language specifies the requirement must be met for 7<sup>th</sup> grade attendance as opposed to enrollment or admission into a school with 7<sup>th</sup> grade. Additionally, schools have already been checking immunizations at 7<sup>th</sup> grade entry for years.

### **Section 6045**

Comment: A commenter requested that the regulations include a contingency that medical exemptions on file be honored at all times during a period of special immunization schedules.

Commenter: 4

Response: No change was made in response to this comment. Provisions for medical exemptions in sections 6050 and 6051 are sufficiently clear.

### **Section 6050**

Comment: Several commenters requested the language in subdivision (a) mirror the language in HSC section 120370.

Response: The Department proposes to

1. Delete “contraindication;” the term “contraindicate” was removed from HSC section 120370 per SB 277.

Commenter: 5, 21-48, 324-331, 359, 392-400, 402-408, 445-463, 482, 485

2. Revise paragraph (a)(1) to include “the specific nature of the physical condition or medical circumstance for which the licensed physician does not recommend immunization;” this language is paraphrased from HSC section 120370(a).

Commenter: 2, 8, 335-357

Comment: Several commenters requested a TME not be limited to 12 months.

Commenter: 4, 21-48, 392-400, 402-403, 405-408, 553

Response: No change was made in response to this comment. Children with temporary conditions that might persist for more than a year merit ongoing medical evaluation for that condition, during which evaluations a licensed physician could provide documentation to extend the TME if indicated.

Comment: A commenter suggested including a time frame for medical exemptions is beyond the statutory scope of HSC section 120370 stating this section does not draw a distinction between a temporary or permanent medical exemption.

Commenter: 553

Response: This comment applies to sections 6050 and 6051. No change was made in response to this comment. The regulations are further specifying statute with respect to types of medical exemptions (temporary or permanent).

Comment: Several commenters requested medical exemptions include the medical license number of the authorizing physician as proof that the exemption is issued by a licensed physician.

Commenter: 3, 7, 8, 335-357

Response: This comment applies to sections 6050 and 6051. No change was made in response to this comment. Schools and pre-kindergarten facilities can verify licensure on the basis of a physician’s name on the Medical Board of California website.

Comment: A commenter suggested that a medical exemption from a doctor should not have to be explained.

Commenter: 500

Response: This comment applies to sections 6050 and 6051. No change was made in response to this comment. The proposed regulations for medical exemptions are consistent with HSC section 120370, subdivision (a).

### **Section 6051**

#### **Subdivision (a)**

Comment: Several commenters requested the language in subdivision (a) that refers to a child's medical condition mirror the language in HSC section 120370(a).

Commenter: 2, 8, 335-357

Response: The Department proposes paragraph (a)(1) state "the specific nature of the physical condition or medical circumstance for which the licensed physician does not recommend immunization." This language is paraphrased from HSC section 120370(a).

Comment: Commenters requested that any child showing titers for a given illness be automatically exempt from the corresponding vaccine.

Commenter: 21-26, 28-48, 75, 211, 226, 254, 255, 273, 287, 319, 326

Response: No change was made in response to this comment. The proposed regulations do not prohibit licensed physicians from using titer testing to evaluate whether a child is immune to a vaccine-preventable disease. If a licensed physician determines a child is immune, then the physician may write a medical exemption on that basis.

Comment: A commenter suggested that "subdivision (a) does not fully capture the circumstance in which a student with a [PME] would meet the criteria to be admitted unconditionally. As written it requires that the student have all other required immunizations documented as received. This could arguably exclude students with a [PME] from all required immunizations. The provision also contemplates that a student might only have a permanent medical exemption to one but not all of the required immunizations."

Commenter: 553

Response: No change was made in response to this comment. The language seems sufficiently clear. A pupil may have a PME to some but not all immunizations, in which case a parent must also submit documentation of receipt of any doses not indicated in the PME.

### **Section 6060**

Comment: A commenter suggested that section 6060(b), which requires schools to notify the local health officer if a pupil is not completely immunized and is exposed to a particular communicable disease, does not strictly comply with HSC section 120440.

Commenter: 361

Response: No change was made in response to this comment. HSC section 120440 pertains to immunization information systems operated by public health departments, such as the California Immunization Registry (CAIR). Patients and parents of patients may refuse to permit record sharing with other CAIR users. This statute does not pertain to immunization records maintained in pupil records and, therefore, does not apply to section 6060.

**Section 6065**

Comment: A commenter noted that subdivision (c) says a child cannot be enrolled without an immunization record which appears in opposition to section 6035(d)(1) which allows admission up to 30 school days without a record.

Commenter: 1

Response: There was no change made in response to this comment. Section 6035(d)(1) allows for a time-limited exception to obtaining documentary proof of immunization before admission that is specific to students transferring from another school in the U.S.

Comment: A commenter suggested that “vaccines” be changed to “immunizations” to be consistent with the rest of the regulations.

Commenter: 4

Response: No change was made in response to this comment. Both terms are used frequently throughout the regulations. A proposed definition of “vaccine” is provided in section 6000(m) and includes the term “immunization.”

Comment: A commenter suggested this section was incongruent with section 6040(a), which may allow pupils to remain in attendance for up to 10 school days when doses are discovered to be missing. The commenter suggested truancy or alternative schooling be addressed in instances where pupils are excluded.

Commenter: 4

Response: No change was made in response to this comment. Section 6065 refers to the type of documentation needed prior to admission to a pre-kindergarten facility or school.

Section 6040(a) refers to discovery of missing doses after a child has already been admitted.

Additionally, proposing regulations related to truancy would be outside the scope of these regulations.

Comment: A commenter suggested subdivision (c) be revised to specifically address conditional admission for foster youth, homeless youth, special education students, and students of military families.

Commenter: 553

Response: No change was made to this comment. Section 6035(d)(1) would apply to these categories of pupils.

### **Section 6070**

Comment: One of the immunization information elements to collect for each pupil is “Sex (M, F).” The commenter recommended an additional category to male and female.  
Commenter: 1

Response: Initially, there was no change made in response to this comment. However, since the 15-day notice of public availability, the Department became aware of enacted legislation that requires new gender identification options on state-issued identification documents (Sen. Bill 179, Atkins, Gender identity: female, male, or nonbinary, Chapter 853, Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017). Pursuant to the new law, the Department proposes to remove “(M, F)” from the “Sex” field in paragraph (b)(5) and allow for an open response.

Comment: A commenter suggested the immunization information required to be recorded by schools and pre-kindergarten facilities is burdensome and should be changed back to the current regulatory requirements.

Commenter: 4

Response: No change was made in response to this comment. A similar amount of information is required for the current and proposed regulations. Compared to the current requirements, the proposed additions include: a few additional categories for race, a statewide student identifier (if assigned), and marking each vaccine that is exempted instead of checking one box if the child has a PBE or medical exemption.

- Section 6070(b)(10)(A)-(D) is only required for pre-kindergarten children,
- Section 6070(b)(11)(A)-(D) is only required for K-12, and
- Section 6070(b)(12) is only required for entry to 7<sup>th</sup> grade.

Comment: Commenters asked what form will replace PM 286/CDPH 286 “California School Immunization Record.”

Commenter: 1, 553

Response: There was no change made in response to this comment. The data elements in section 6070 will be required to be maintained by schools and pre-kindergarten facilities. The Department will provide an optional form for use by schools and pre-kindergarten facilities to record the required data elements.

### **Section 6075**

Comment: A commenter requested that the reference set forth in subdivision (a) to “the governing authority of each school” be revised to reflect “the governing authority of each school district.”

Commenter: 553

Response: No change was made in response to this comment. The proposed language “the governing authority of each school” is the same as existing language in section 6075(a) and HSC section 120375(a).

## **Other Comments**

Commenters 6, 18-19, 318-323, 410, 429, 443, 500-503, and 515-552 submitted comments after the April 24<sup>th</sup>, 2017, 5pm deadline. While the Department did not provide responses to these late comments, similar comments were submitted prior to the deadline and are addressed in this addendum.

Comments from Commenters 34, 49, and 50 were not readable.

Comment: Several commenters suggested the public notice was not publicized widely enough and recommended that the public comment period be extended as they did not have sufficient time to comment.

Commenter: 21-48, 392-400, 402-444

Response: No change was made in response to this comment. The public notice of the 45-day public comment period and public hearing were in compliance with the Administrative Procedure Act (APA).

Comment: Several commenters suggested that by not repeating in regulation the exceptions to immunization requirements for homeschooled pupils provided in statute that these exceptions would not be in effect.

Commenters: 4, 51-323, 370-389, 557

Response: No change was made in response to this comment. The exception for homeschooled pupils is provided in HSC section 120335(f), and states, "This section does not apply to a pupil in a home-based private school or a pupil who is enrolled in an independent study program pursuant to Article 5.5. (commencing with Section 51745) of Chapter 5 of Part 28 of the Education Code and does not receive classroom-based instruction." As this provision is in statute, it remains in effect.

Comment: Several commenters suggested that by not repeating in regulation the statutory provision that students may access individualized education program (IEP) services regardless of their immunization status that this exception would not be in effect.

Commenters: 4, 51-323, 334, 370-389, 464, 465-470, 557

Response: No change was made in response to this comment. The exception to immunization requirements for services that are part of an IEP is provided in HSC section 120335(h), and states, "This section does not prohibit a pupil who qualifies for an individualized education program, pursuant to federal law and Section 56026 of the Education Code, from accessing any special education and related services required by his or her individualized education program." As this provision is in statute, it remains in effect.

Comment: Commenters requested clarification of the exceptions to immunization requirements for homeschooled pupils and services related to an IEP in HSC 120335, subdivisions (f) and (h), respectively.

Commenter: 332, 468-470

Response: No change was made in response to this comment. The Department does not have further clarification of HSC section 120335(f) or (h).

Comment: A commenter requested the regulations categorize a pupil who qualifies for an IEP as being conditionally admitted.

Commenter: 553

Response: No change was made in response to this comment. The language in sections 6025 and 6035 regarding unconditional and conditional admission is clear and consistent with HSC 120335.

Comment: Several commenters recommended that the regulation set up a means to enforce these regulations, working in concert with the California Department of Education.

Commenter: 2, 8, 335-357

Response: No change was made in response to this comment. This would require a statutory change rather than a regulatory change.

Comment: Several commenters recommended that exemptions be maintained not only by the governing authority, but also be tracked in CAIR to aid health officials in any protected fashion required in the case of disease outbreak.

Commenter: 8, 335-357

Response: No change was made in response to this comment. Information about exemptions may be incorporated in CAIR to the extent permitted by HSC section 120440. Also, schools can note the absence of dose records in CAIR to help identify children who might not be immunized to help guide response to disease outbreaks.

Comment: Several commenters expressed concern that immunization information in pupil's records should not be disclosed to public health departments as these records are subject to the federal Family Educational Rights and Privacy Act (FERPA).

Commenter: 3, 112, 241, 270, 320, 321, 324-331, 360, 445-470, 485

Response: No change was made in response to this comment. Access to immunization information by public health entities is consistent with federal and state law (Health & Saf. Code, section 120375, subd. (c)).

Comment: Commenters suggested Governor Brown's signing statement from AB 2109 (Pan. Communicable disease: immunization exemption, Chapter 821, Approved by Governor September 30, 2012. Filed with Secretary of State September 30, 2012) that directed the Department to "allow for a separate religious exemption on the form" still allows for there to be a religious exemption from required immunizations.

Commenter: 334, 469, 470

Response: AB 2109 amended HSC section 120365; SB 277 subsequently repealed HSC section 120365. SB 277 supersedes AB 2109.

Comment: Several commenters requested there be no school immunization requirements or that they not be mandatory.

Commenter: 10-19, 330, 362-369, 391, 401, 460, 471-481, 483-484, 487-492, 495-499, 501-514, 555, 558

Response: No change was made in response to this comment. As stated in HSC section 120325, "it is the intent of the Legislature to provide: (a) a means for the eventual achievement of total immunization of appropriate age groups against [specified] childhood diseases." In HSC section 120330, "The Department . . . shall adopt and enforce all regulations necessary to carry out Chapter 1 (commencing with section 120325 . . .)." HSC section 120335 lists each disease for which immunizations must be documented in order for governing authorities to admit pupils.

Comment: Several commenters requested there be more testing of vaccines.

Commenters: 21-26, 28-48, 75, 211, 226, 254, 255, 273, 287, 319, 326, 493, 494

Response: No change was made in response to this comment. Vaccine testing is outside the scope of these regulations.

Comment: A commenter suggested that invasive medical procedures must require the consent of the patient and should be a decision between the patient and doctor, not a government entity.

Commenter: 486

Response: No change was made in response to this comment. This comment is outside the scope of these regulations.

Comment: A commenter suggested the Department ignore commenters sending form letters trying to exempt homeschoolers and children with IEPs from compliance with state law.

Commenter: 554

Response: No change was made in response to this comment. This comment is outside the scope of these regulations.

Comment: Commenters expressed their appreciation for clarifying and improving the regulations.

Commenter: 2, 8, 335-357, 559

Response: No change was made in response to this comment. The Department appreciates comments regarding the proposed regulations.

Comment: Several commenters question the science of immunizations.

Commenter: 9-14

Response: No change was made in response to this comment. The California Legislature has deemed the recommendations of the national Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians to be sufficient for purposes of regulations.

**ADDENDUM II**  
**15-Day Public Notice**  
**Summary of Comments and Responses to Comments Received**

**Section 6000**

**Subdivision (a)**

Comment: A commenter requested that the definition of conditional admission include 1) homeless children; 2) foster youth; 3) children of military families, and 4) special education students with an individualized education program (IEP) to ensure they are immediately enrolled in school or have access to special education services even without immunization documentation.

Commenter: 15

Response: No change was made in response to this comment. Section 6035(d)(1) would apply to all students transferring from another school within the U.S., including groups 1-4 listed above, and would allow immediate admission up to 30 school days while awaiting records to arrive at the new school.

**Subdivision (d)**

Comment: A commenter asked for clarification regarding transitional kindergarten students who are in the school system but are not yet 5 years of age.

Commenter: 18

Response: No change was made in response to this comment. The proposed definition of “kindergarten” in section 6000(d) includes transitional kindergarten. The eligibility requirements for transitional kindergarten are under the jurisdiction of the Department of Education and outlined in the Education Code.

**Subdivision (f)**

Comment: Several commenters requested that the proposed definition of “licensed physician” include physicians licensed outside of California for medical exemption purposes.

Commenter: 16, 19-159

Response: No change was made in response to these comments. Physicians licensed in California are available for evaluation and care for children attending pre-kindergarten facilities and schools in California. Children attending pre-kindergarten facilities and schools in California, especially those with medical conditions associated with medical exemptions, merit ongoing care from local physicians. Additionally, verification of licensure issued outside of California poses more challenges for staff at California schools and pre-kindergarten facilities.

**Subdivision (m)**

Comment: Several commenters suggested the proposed definition for “vaccine” may not include immunizations administered outside the U.S and requested the definition include “. . . that is recommended by the federal Advisory Committee on Immunization

Practices, or equivalent authority in other countries, . . .”

Commenter: 16, 19-159

Response: No change was made in response to this comment. ACIP recommendations incorporate immunizations administered outside the U.S.

(reference: <https://www.cdc.gov/vaccines/hcp/acip-recs/general-recs/special-situations.html#t-01>, accessed on March 8, 2018)

### **Section 6025**

Comment: A commenter requested there be no changes to section 6025.

Commenter: 8

Response: No change was made in response to this comment. Changes to section 6025 are needed in order to align regulations with updated national recommendations and changes to statutes.

Comment: Several commenters requested the Department remove the proposed requirement for 2 doses of varicella vaccine at 7<sup>th</sup> grade advancement from Table B, footnote 10 stating the requirement is not in statute.

Commenter: 16, 19-159

Response: No change was made in response to this comment. HSC section 120325(a) lists the vaccine-preventable diseases for which the Legislature intends achievement of total immunization. The list includes varicella (chickenpox), under HSC section 120325(a)(10). Similarly, HSC section 120335(b)(10) includes varicella among the diseases for which immunization shall be documented. The existing requirement for varicella vaccine in section 6025 is being updated to 2 doses of varicella vaccine for children younger than age 13 years in kindergarten through 12th grade, including a time-limited 7<sup>th</sup> grade advancement requirement, to be consistent with the current national recommendations that define full immunization for children.

Comment: Commenters asserted the Legislature stated that any additional vaccine recommendations would qualify for a personal beliefs exemption, therefore, the proposed 7th grade 2-dose varicella vaccine requirement should allow for a philosophical exemption.

Commenter: 113, 152

Response: No change was made in response to this comment. As enacted by SB 277, HSC section 120338 states, “Notwithstanding sections 120325 and 120335, any immunizations deemed appropriate by the department pursuant to paragraph (11) of subdivision (a) of section 120325 . . . may be mandated . . . only if exemptions are allowed for both medical reasons and personal beliefs.” Paragraph (11) refers to any other disease not listed in (1)-(10) of subdivision (a) of HSC section 120325. As varicella is listed in paragraph (10) of subdivision (a) of HSC section 120325, a change to the varicella requirement does not result in an allowance of personal beliefs exemptions.

Comment: A commenter requested varicella and Hep B vaccines not be included in the K-12 vaccine requirements but that they be optional.

Commenter: 6

Response: No change was made in response to this comment. The proposed regulations are consistent with HSC section 120335(b)(9)-(10), which include hepatitis B and varicella among the diseases for which immunization shall be documented.

Comment: A commenter suggested adding “TK” to table headings to clarify transitional kindergarten is included in “K-12” and not pre-kindergarten.

Commenter: 9

Response: No change was made in response to this comment at this time. “K-12” is a commonly used term in the education field. The proposed definition of “kindergarten” in section 6000(d) includes transitional kindergarten.

Comment: A commenter requested that the implementation date for the modification to the varicella requirement be pushed back beyond the 2018/2019 school year to provide ample notice.

Commenter: 15

Response: In response, the Department proposes to set an effective date of July 1, 2019. Schools often send information about admission requirements months in advance of fall admission. Having the regulations approved many months before fall 2019 admission will allow schools, families, local health departments, and health care providers ample time to prepare for and implement the new requirements.

### **Section 6035**

Comment: A commenter requested that the definition of conditional admission include 1) homeless children; 2) foster youth; 3) children of military families, and 4) special education students with an individualized education program (IEP) to ensure they are immediately enrolled in school or have access to special education services even without immunization documentation.

Commenter: 15

Response: No change was made in response to this comment. Section 6035(d)(1) would apply to all students transferring from another school within the U.S., including groups 1-4 listed above, and would allow immediate admission up to 30 school days while awaiting records to arrive at the new school.

### **Subdivision (a)**

Comment: A commenter requested that the word “medical” be inserted before the word “exemption” to clarify that the only available exemption is a medical exemption.

Commenter: 15

Response: No change was made in response to this comment. Under certain circumstances, a pupil could have a personal beliefs exemption in accordance with HSC section 120335.

**Section 6050**

Comment: A commenter suggested that medical information contained in a medical exemption filed with a school infringes on the child's privacy and conflicts with the federal Health Insurance Portability and Accountability Act (HIPAA).

Commenter: 3

Response: This comment also applies to section 6051. No change was made in response to this comment. HIPAA does not generally apply. Proposed regulations regarding medical exemptions are consistent with HSC section 120370.

Comment: A commenter suggested that physicians should be allowed complete autonomy when writing medical exemptions and the wording of medical exemptions should be at the discretion of the physician, as written in SB 277.

Commenter: 7

Response: This comment also applies to section 6051. No change was made in response to this comment. Proposed language in sections 6050(a)(1) and 6051(a)(1) states a medical exemption must contain "The specific nature of the physical condition or medical circumstance for which the licensed physician does not recommend immunization." This language is consistent with HSC section 120370(a), which states, "If the parent or guardian files with the governing authority a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization, that child shall be exempt from the requirements of Chapter 1 . . . to the extent indicated by the physician's statement."

Comment: A commenter asserted that amendments to the regulations regarding medical exemptions including the "specific nature of the physical condition or medical circumstance" to match HSC section 120370(a), meets the requirement of legality and is supported by substantive policy reasons.

Commenter: 10

Response: This comment also applies to section 6051. No change was made in response to this comment; the commenter concurred with the proposed regulations.

**Section 6051**

Comment: A commenter requested there be no changes to section 6051.

Commenter: 8

Response: Proposed changes were made in response to commenters that requested the language in subdivision (a) that refers to a child's medical condition mirror the language in HSC section 120370(a). Section 6051 was also revised for readability.

**Subdivision (a)**

Comment: A commenter requested that “stating that the pupil is medically exempt from a specific required immunization(s) and that the physical condition or medical circumstance is permanent” be reworded to “stating that the pupil is medically exempt from a specific required immunization(s) and that the physical condition or medical circumstance supports a permanent exemption.”

Commenter: 16

Response: No change was made in response to this comment. The proposed regulation text included in the 15-day public availability period is: “stating: (1) The specific nature of the physical condition or medical circumstance for which the licensed physician does not recommend immunization; (2) That the physical condition or medical circumstance is permanent; and (3) Each specific required immunization from which the pupil is permanently exempt.” The language is consistent with statute.

**Section 6055**

Comment: A commenter requested review and possible revision of the reference to “Article 2 of this subchapter” to ensure the correct cross reference.

Commenter: 15

Response: No change was made in response to this comment. As noticed in the 45-day public comment period proposed regulation text, “Article 2. Requirements for Admission and Continued Attendance” directly precedes section 6025. The reference to “Article 2” remains valid.

**Section 6065**

Comment: A commenter requested that the definition of conditional admission include 1) homeless children; 2) foster youth; 3) children of military families, and 4) special education students with an individualized education program (IEP) to ensure they are immediately enrolled in school or have access to special education services even without immunization documentation.

Commenter: 15

Response: No change was made in response to this comment. Section 6035 would apply to all students transferring from another school within the U.S., including groups 1-4 listed above, and would allow immediate admission up to 30 school days while awaiting records to arrive at the new school.

**Section 6070**

Comment: A commenter asserted the phrase “health information” in section 6070(c) is ambiguous and may pose a threat to 3rd party sharing of confidential student records. The commenter suggested “pupil’s record” or “pupil’s immunization or exemption record” should be used instead.

Commenter: 16

Response: No change was made in response to this comment. The phrase “health information” is consistent with HSC section 120375(c), which states “. . . the local health department shall have access to the complete health information as it relates to immunization of each student . . . .”

Comment: A commenter asserted section 6070(c) does not allow for opting out of record sharing pursuant to HSC section 120440.

Commenter: 16

Response: No change was made in response to this comment. HSC section 120440 pertains to immunization information systems operated by public health departments, pursuant to their authority under HSC section 120175, such as the California Immunization Registry (CAIR). HSC section 120440 does not pertain to immunization records maintained in pupil records and, therefore, does not apply to section 6070.

### **Section 6075**

Comment: A commenter requested that the reference to “the governing authority of each school” be amended to the “governing authority of each school district” for consistency.

Commenter: 15

Response: No change was made in response to this comment. The proposed language “the governing authority of each school” is the same as existing language in section 6075(a) and HSC section 120375(a).

### **Other Comments**

Comment: A commenter requested the regulations repeat the language in HSC section 120335(h), regarding IEPs.

Commenter: 1

Response: No change was made in response to this comment. HSC section 120335(h), continues to apply.

Comment: Commenters requested the regulations clarify HSC section 120335(f) and (h).

Commenter: 15, 17, 157

Response: No change was made in response to this comment. The Department does not have further clarification of HSC section 120335(f) or (h).

Comment: A commenter is concerned that parents reviewing the California Code of Regulations may be unaware of related statutes in the Health and Safety Code.

Commenter: 157

Response: No change was made in response to this comment. Related statutes are cross-referenced in the Note for each section of regulation. The Department posts statutes, regulations, and information for parents related to immunization requirements on its websites.

Comment: A commenter requested that vaccines not be mandatory.

Commenter: 4

Response: No change was made in response to this comment. As stated in HSC section 120325, "it is the intent of the Legislature to provide: (a) a means for the eventual achievement of total immunization of appropriate age groups against [specified] childhood diseases." In HSC section 120330, "The Department . . . shall adopt and enforce all regulations necessary to carry out Chapter 1 (commencing with section 120325 . . .)." HSC section 120335 lists the diseases for which immunizations must be documented for admission to any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center. Promulgating these regulations is consistent with statute and the Legislature's intent.

Comment: A commenter requested that the public comment period be extended due to limited access to the internet and phone service because of mudslides in the Montecito – Summerland – Carpinteria – Santa Barbara-area.

Commenter: 5

Response: No change was made in response to this comment. The proposed regulations were made publicly available in accordance with the APA for 45 days beginning March 10, 2017, and for 15 days on January 11, 2018.

Comment: A commenter described how under *Adamson v. California*, 332 U.S. 46 (1947), state laws that violate federal constitutional provisions have been determined to be void. Further, a commenter asserts:

- SB 277 violates the First Amendment of the U.S. Constitution, regarding the right to religious freedom.
- SB 277 violates provisions in Article 1 of the California Constitution regarding inalienable rights and the free exercise of religion.
- Governmental agency employees are not authorized to violate religious beliefs and rights, including those related to decisions regarding immunization.
- A God-given obligation to ignore and reject SB 277 and related directives, citing passages from Psalm 94 and the Book of Proverbs.
- The U.S. Constitution does not grant Congress the power to require any medical procedure, and that the U.S. Congress or any State cannot violate the right not to harm oneself or one's children.
- Describes the Oath of Office for government employees in regards to defending or supporting the U.S. Constitution.
- Efforts to alter sections 6025 and 6051 of Title 17 of the California Code of Regulations will be in violation of oaths of office, for which the commenter would file complaints with the U.S. Dept. of Justice Civil Rights Division and the HHS Conscience and Religious Freedom Division.
- Any breaches in the oaths of office related to the proposed changes to sections 6025 and 6051 of Title 17 of the California Code of Regulations and the implementation of SB 277 and SB 792 will subject government officials and employees to liability and tort actions related to injuries from vaccination.

The same commenter:

- Lists cases of the U.S. Supreme Court related to public officials being held liable for actions done or failure to perform required actions.
- Requested the Department communicate that SB 277 does not cover, affect nor prohibit the use by any parent their religious beliefs rights to avoid and reject any and all vaccinations for their children.
- Stated that if the proposed changes to sections 6025 and 6051 are implemented, then the commenter will give the Director of the Department a Notice of Liability.

Commenter: 8

Response: No change was made in response to these comments. The proposed regulations are consistent with federal and state laws. Article III, section 3.5 of the California Constitution requires that the Department enforce state law, unless an appellate court has made a determination that the statute is unconstitutional.

Comment: A commenter asserts a religious right exemption from compulsory vaccination and notes that the Governor's signing statement for AB 2109 described a religious exemption. A commenter asserts that Form CDPH 8262 (personal beliefs exemption form) was inconsistent with the Governor's signing statement for AB 2109 in multiple aspects, including the title of the Form and the wording of the verifiable statement used for the religious exemption. A commenter requested the Department order all schools and local health departments to accept Form CDPH 8262 and requested the Department rewrite the form to separate religious exemptions from personal beliefs exemptions.

Commenter: 8

Response: No change was made in response to these comments. AB 2109 amended HSC section 120365; SB 277 repealed HSC section 120365. SB 277 supersedes AB 2109.

Comment: Commenters asserted their comments submitted for the 45-day public comment period were not addressed by the Department.

Commenter: 16, 83

Response: No change was made in response to this comment. The Department provided explanations in the Supplemental Statement of Reasons of the proposed changes that resulted from the 45-day public comment period. Responses to all comments received during the 45-day and 15-day public comment periods are provided in this Final Statement of Reasons pursuant to the APA (Gov. Code, § 11346.9, subd. (a)(3)).

Comment: A commenter asserted that the Department should maintain vaccination standards aligned with the U.S. Citizenship and Immigration Services.

Commenter: 113

Response: No change was made in response to this comment. California immunization requirements typically are based on recommendations for children from the federal ACIP.

Comment: A commenter expressed that the regulations are in direct conflict with the federal Family Educational Rights and Privacy Act (FERPA).

Commenter: 16

Response: No change was made in response to this comment. Access to immunization information by public health entities is consistent with federal and state law. (See HSC section 120375, subdivision (c).)

**Comments Outside the Scope of the Proposed Regulations or 15-Day Public Availability Period – No Responses Provided**

Commenters 160-163 submitted comments after the January 26, 2018, 5pm deadline. While the Department did not provide responses to these late comments, similar comments were submitted prior to the deadline and are addressed in this addendum.

Commenters 2, 6, 11, 12, 13, 14, 91, 108, 134, and 154 submitted comments outside the scope of the proposed regulations.