

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Disease Control and Environmental Epidemiology Division

#### THE INFANT IMMUNIZATION PROGRAM AND IMMUNIZATION OF STUDENTS ATTENDING SCHOOL

##### 6 CCR 1009-2

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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**Adopted by the Board of Health on June 20, 2018. Effective August 14, 2018.**

#### **I. Definitions**

- A. Advisory Committee on Immunization Practices (ACIP) - a group of medical and public health experts that develops recommendations on how to use vaccines to control diseases in the United States. ACIP was established under Section 222 of the Public Health Service Act (42 U.S.C. §217a).
- B. Child - any student less than 18 years of age.
- C. College or university student - any student who is enrolled for one or more classes at a college or university and who is physically present at the institution. This includes students who are auditing classes but does not include persons taking classes online or by correspondence only.
- D. Delegated physician assistant – a licensed physician assistant authorized under section 12-36-106(5), C.R.S., to execute Certificates of Immunization, medical exemptions and/or supervise a public health or school nurse as authorized by part 9 of article 4 of title 25, C.R.S.
- E. Department (the) – refers to the Colorado Department of Public Health and Environment.
- F. Dose - a measured quantity of an immunizing agent; quantity and frequency of administration determined by recognized health authorities and the manufacturer of each agent.
- G. Emancipated student - any student who has reached 18 years of age; a lawfully married child of any age; a child 15 years of age or older who is managing his/her own financial affairs and who is living separate and apart from his/her parent.
- H. Immunization tracking system - a comprehensive immunization tracking system established by the Department pursuant to section 25-4-2403(2), C.R.S., that enables the gathering of epidemiological information from the sources delineated in section 25-4-2403(2), C.R.S. and the investigation and control of communicable diseases. Individuals, parents and legal guardians may provide information to the immunization tracking system; however, pursuant to section 25-4-2403(7), C.R.S., they have the option to exclude their or their student's immunization information from the immunization tracking system at any time.
- I. Indigent child - any child whose parent cannot afford to have the child immunized or if emancipated, who cannot himself/herself afford immunization and who has not been exempted.
- J. Infant - any child up to twenty four months of age or any child eligible for vaccination and enrolled under the Colorado Medical Assistance Act, Articles 4, 5, and 6 of Title 25.5, C.R.S.

- K. In-process student - a student may be considered in-process if:
1. Within fourteen days after receiving direct personal notification that the Certificate of Immunization is not up-to-date according to the requirements of the Board of Health, the parent or emancipated student submits documentation that the next required immunization has been given and a signed written plan for obtaining the remaining required immunizations. The scheduling of immunizations in the written plan shall follow medically recommended minimum intervals consistent with the ACIP. If the student does not fulfill the plan, the student shall be suspended or expelled from school for noncompliance per section 25-4-907, C.R.S. If the next dose is not medically indicated within fourteen days, then the medically approved minimum intervals would apply.
  2. College or university students, as defined in section I (C), present to the appropriate school official either (I) a signed written authorization requesting local health officials to administer required immunizations or (II) a plan for receipt of the required immunization or the next required immunization in a series within either 30 days or the medically approved minimum interval. If this does not occur, the college or university student will not be allowed to enroll, remain enrolled, or audit for the current term or session. Such written authorizations and plans must be signed by one parent or guardian or the emancipated student or the student 18 years of age or older.
- L. Parent - the person or persons with parental or decision-making responsibilities for a child.
- M. Practitioner - a duly licensed physician, advanced practice nurse, or other person who is permitted and otherwise qualified to administer vaccines under Colorado law.
- N. School - all child care facilities licensed by the Colorado Department of Human Services including: child care centers, school-age child care center, preschools, day camps, resident camps, day treatment centers, family child care homes, foster care homes, and head start programs; public, private, or parochial kindergarten, elementary or secondary schools through grade twelve, or a college or university. Schools do not include a public services short-term child care facility as defined in section 26-6-102(30), C.R.S., a guest child care facility as defined in section 26-6-102(16), C.R.S., a ski school as defined in section 26-6-103.5 (6), C.R.S., or college or university classes which are: offered off-campus; offered to nontraditional adult students as defined by the governing board of the institution; offered at colleges or universities which do not have residence hall facilities, or; online only.
- O. School health authority - an individual working for or on behalf of the child care facility or school who is knowledgeable about child care/school immunizations.
- P. School official - the school's chief executive officer or any person designated by him/her as his/her representative.
- Q. Student - any person enrolled in a Colorado school as defined in section I (M), except:
1. a child who enrolls and attends a licensed child care center, as defined in section 26-6-102(5), C.R.S., which is located at a ski area, for up to fifteen days or less in a fifteen-consecutive-day period, no more than twice in a calendar year, with each fifteen-consecutive-day period separated by at least sixty days, and
  2. college and university students as defined in section I (C).
- R. Titer – laboratory test that measures the presence and amount of antibodies in blood. Antibody titers can be used to show that a person is immune to some diseases.

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**II. Minimum Immunization Requirements**

- A. To attend school, a student must have an age appropriate Certificate of Immunization. Meeting the initial immunization requirements does not exempt a student from meeting subsequent age requirements. This certificate must demonstrate immunization against the following diseases:
1. Hepatitis B
  2. Pertussis
  3. Tetanus
  4. Diphtheria
  5. Haemophilus Influenzae Type B (HIB)
  6. Pneumococcal disease
  7. Polio
  8. Measles
  9. Mumps
  10. Rubella
  11. Varicella
- B. Except as required in sections II (C) and II (D), when healthcare providers administer the immunizations identified in section II (A), the immunizations will be administered according to the schedule established by the ACIP as authorized in section 25-4-902(1)(a), C.R.S.
- C. Students between the ages of 4 through 6 years are required to receive their final doses of Diphtheria, Tetanus, and Pertussis (DTaP), Inactivated Polio Vaccine (IPV), Measles, Mumps, and Rubella (MMR) and Varicella prior to kindergarten entry.
- D. Students are required to receive Tetanus, Diphtheria, Pertussis (Tdap) prior to 6th grade entry. One dose of Tdap is required for 6th through 12th grades.
- E. Laboratory confirmation of positive titers are an acceptable alternative to the following vaccines when submitted to the student's school: DTaP, Hepatitis B, Varicella and MMR. For DTaP substitution, both the diphtheria and tetanus titers must be positive. For MMR substitution, titers for measles, mumps, and rubella must be positive. A titer is not an acceptable replacement for *Haemophilus Influenzae* type b, Pneumococcal, IPV, or Tdap vaccines.

**III. Exemptions from Immunization**

It is the responsibility of the parent(s) to have his or her student immunized unless the student is exempted. A student may be exempted from receiving the required immunizations in the following manner:

- A. Medical exemption - By submitting a medical exemption form with the statement of medical exemption signed by an advanced practice nurse, a delegated physician assistant, or physician licensed to practice medicine or osteopathic medicine in any state or territory of the United States indicating that the physical condition of the student is such that immunizations would endanger his/her life or health or is medically contraindicated due to other medical conditions. This form is to be submitted once, and must be maintained on file at each new school the student attends.
- B. Religious exemption - By submitting a nonmedical exemption form signed by the parent(s) or the emancipated student indicating that the parent(s) or emancipated student is an adherent to a religious belief whose teachings are opposed to immunizations.

Beginning July 1, 2016,

- 1. Prior to kindergarten entry, a nonmedical exemption form must be submitted at each interval in the ACIP birth-18 years immunization schedule at which immunizations are due. This documentation is required only for those vaccines required to prevent the diseases listed in section II (A). Exemptions will expire at the time next immunizations are due according to the ACIP birth-18 years immunization schedule or when the student is enrolled to attend kindergarten.
  - 2. From kindergarten through twelfth grade, a nonmedical exemption form must be submitted once per school year. Exemptions will expire annually on June 30th, the last official day of the school year.
- C. Personal belief exemption - By submitting a nonmedical exemption form signed by the parent(s) or the emancipated student indicating that the parent(s) or emancipated student has a personal belief that is opposed to immunizations.

Beginning July 1, 2016,

- 1. Prior to kindergarten entry, a nonmedical exemption form must be submitted at each interval in the ACIP birth-18 years immunization schedule at which immunizations are due. This documentation is required only for those vaccines required to prevent the diseases listed in section II (A). Exemptions will expire at the time next immunizations are due according to the ACIP birth-18 years immunization schedule or when the student is enrolled to attend kindergarten.
  - 2. From kindergarten through twelfth grade, a nonmedical exemption form must be submitted once per school year. Exemptions will expire annually on June 30th, the last official day of the school year.
- D. In the event of an outbreak of disease against which immunization is required, no exemption or exception from immunization shall be recognized and exempted persons may be subject to exclusion from school and quarantine.
  - E. All information distributed to parent(s) by school districts regarding immunizations shall inform them of their rights in section III (A-D).

**IV. Examination and audit of official school immunization records**

The Department's representative shall have the right to audit and verify records to determine compliance with the law. Discrepancies found through audits shall be corrected by school officials, and any student not in full compliance shall be suspended or expelled from school according to the following rules:

- A. If the parent(s) or emancipated student was informed of the deficiencies in the student's official school immunization records pursuant to section I (J) (1) of the rules, the student shall be suspended or expelled pursuant to section 25-4-907, C.R.S.
- B. If the parent(s) or emancipated student was not informed by a direct personal notification of the immunizations required and alternatives for compliance with the law, the school shall notify the parent(s) or emancipated student within 7 calendar days of the finding and the student shall: a) provide proof of immunization within 14 days, b) continue as an in-process student, c) verify that the student is exempt, or d) the student shall be suspended or expelled pursuant to section 25-4-907, C.R.S.

**V. Denial of attendance**

- A. A student who is: not in-process, not appropriately vaccinated for his/her age, or not exempt shall be denied attendance in accordance with the law.
- B. If the student is attending a school that is not subject to the School Attendance Law, section 22-33-101 et seq., C.R.S., school officials shall take appropriate action to deny attendance to the student in accordance with that school's procedures or contract with the student. No indigent child shall be excluded, suspended, or expelled from school unless the immunizations have been available and readily accessible to the indigent child at public expense.

**VI. Official school immunization records**

- A. Official school immunization records shall include:
  - 1. An official Certificate of Immunization or an Alternate Certificate of Immunization approved by the Department, which includes one of the following forms of documentation with the dates and types of immunizations administered to a student:
    - a. A paper or electronic document that includes information transferred from the records of a licensed physician, registered nurse, a delegated physician assistant, or public health official, or
    - b. An electronic file or hard copy of an electronic file provided to the school directly from the immunization tracking system established pursuant to section 25-4-2403, C.R.S., or from a software program approved by the Department, or
  - 2. An official medical exemption form with the date and vaccines exempted from, or
  - 3. A nonmedical exemption form with the date, type of exemption taken and the vaccines exempted from.
- B. Any immunization record (original or copy) provided by a physician licensed to practice medicine or osteopathic medicine in any state or territory of the United States, registered nurse, delegated physician assistant, or public health official may be accepted by the school official as proof of immunization. The information is to be verified by the school official and transferred to an official Certificate of Immunization.
- C. Schools shall have on file an official school immunization record for every student enrolled. The official school immunization record will be kept apart from other school records. When a student withdraws, transfers, or is promoted to a new school, the school official shall return the Certificate of Immunization to the parent(s) or emancipated student upon request or transfer it with the student's school records to the new school. Upon a college or university student's request, the Certificate of Immunization shall be forwarded as specified by the student.

**VII. Reporting of Statistical Information**

- A. On December 1, 2016, and each year thereafter, any child care center, preschool or head start program that is licensed by the Colorado Department of Human Services to provide care to ten or more children and are not exempt from reporting pursuant to section VII (B), and; public, private, or parochial schools with kindergarten, elementary or secondary schools through grade twelve, shall send aggregate immunization and exemption data, by antigen, to the Department.

Required data shall include:

1. Total number of students and total number of kindergarten students enrolled in the school;
  2. Total number of students and total number of kindergarten students who are up-to-date with immunizations as required in section II;
  3. Total number of students and total number of kindergarten students who have a medical exemption for all immunizations as required in section II;
  4. Total number of students and total number of kindergarten students who have a medical exemption for one or more but not all immunizations as required in section II;
  5. Total number of students and total number of kindergarten students who have a religious exemption for all immunizations as required in section II;
  6. Total number of students and total number of kindergarten students who have a religious exemption for one or more but not all immunizations as required in section II;
  7. Total number of students and total number of kindergarten students who have a personal belief exemption for all immunizations as required in section II;
  8. Total number of students and total number of kindergarten students who have a personal belief exemption for one or more but not all immunizations as required in section II;
  9. Total number of in-process students and total number of in-process kindergarten students;
  10. Total number of students and total number of kindergarten students not up-to-date for immunizations as required in section II, with no exemption on file, and not in- process; and
  11. Total number of students and total number of kindergarten students with no immunization records.
- B. Schools not required to send aggregate immunization and exemption data to the Department include: online only K-12<sup>th</sup> grade schools, school-age child care centers, family child care homes, drop-in centers, day treatment centers, foster care homes, day camps, and resident camps.

**VIII. Notification of noncompliance**

- A. Section 25-4-907, C.R.S. requires that if a student is suspended or expelled from school for failure to comply with the immunization law, the school official shall notify the Department, or county, district, or municipal public health agency who shall then contact the parent(s) or emancipated student in an effort to secure compliance so that the student may be re-enrolled in school.

- B. Upon receipt of an immunization referral from the school, the Department, or county, district, or municipal public health agency shall contact the parent(s) of the referred student or the emancipated student himself/herself to offer immunization and to secure compliance with the school immunization law in order that the student may provide a completed Certificate of Immunization to the school and in the case of an expelled or suspended student, be re-enrolled in school.

**IX. Requirements for college and university students, colleges and universities.**

The provisions below apply only to colleges or universities, or students enrolled in a college or university.

**A. Minimum immunization requirements**

1. Two valid doses of the MMR vaccine are required for all college or university students, unless the college or university student was born before 1957.
  - a. Laboratory confirmation of positive titers are an acceptable alternative to the MMR vaccine when submitted to the student's school. For MMR substitution, titers for measles, mumps, and rubella must be positive.
2. Pursuant to section 25-4-901, C.R.S. et. seq., and section 23-5-128 (3), C.R.S., each college and university shall provide information concerning meningococcal disease and meningococcal vaccine to each new college or university student residing in student housing, or if the college or university student is under 18 years, to the college or university student's parent or guardian. College and university students residing in student housing who have not received a meningococcal vaccine within the last five years shall review the information concerning meningococcal disease and meningococcal vaccine. If the college or university student does not obtain a vaccine, a signature must be obtained from the college or university student or if the college or university student is under 18 years, the college or university student's parent or guardian indicating that the information was reviewed and the college or university student or college or university student's parent or guardian has declined the vaccine.

**B. Exemptions from immunization**

A college or university student may be exempted from receiving required immunizations in the following manner:

1. Medical exemption - By submitting a medical exemption form with the statement of medical exemption signed by an advanced practice nurse, a delegated physician assistant, or physician licensed to practice medicine or osteopathic medicine in any state or territory of the United States indicating that the physical condition of the college or university student is such that immunizations would endanger his/her life or health or is medically contraindicated due to other medical conditions. This form is to be submitted once, and must be maintained on file at each new school the college or university student attends.
2. Religious exemption - By submitting a nonmedical exemption form signed by the college or university student 18 years of age or older, the parent if the college or university student is under 18 years of age, or the emancipated college or university student indicating that the college or university student, parent or emancipated college or university student is adherent to a religious belief whose teachings are opposed to immunizations. As of July 1, 2016, beginning with college or university entry, a nonmedical exemption form must be submitted at enrollment.

3. Personal belief exemption - By submitting a nonmedical exemption form signed by the college or university student 18 years of age or older, the parent if the college or university student is under 18 years of age, or the emancipated college or university student indicating that the college or university student, parent or emancipated college or university student has a personal belief that is opposed to immunizations. As of July 1, 2016, beginning with college or university entry, a nonmedical exemption form must be submitted at enrollment.
4. In the event of an outbreak of disease against which immunization is required, no exemption or exception from immunization shall be recognized and exempted persons may be subject to exclusion from school and quarantine.

C. Examination and audit of official school immunization records

The Department's representative shall have the right to audit and verify records to determine compliance with the law. Discrepancies found through audits shall be corrected by school officials, and any college or university student not in full compliance shall be denied attendance from school according to the rules in section IX (D).

D. Denial of attendance

1. A college or university student who is: not in-process, not appropriately vaccinated for his/her age, or not exempt shall be denied attendance in accordance with the law.
2. A school official shall deny attendance from school, pursuant to the provisions established by the school, any college or university student not in-process, not appropriately immunized for his/her age, or not exempt per section 25-4-903, C.R.S. No college or university student shall be denied attendance for failure to comply unless there has been a direct personal notification of noncompliance by the appropriate school authority to the college or university student's parent or guardian, the emancipated college or university student or the college or university student 18 years of age or older.

E. Official school immunization records

1. Official school immunization records shall include one of the following:
  - A. An official Certificate of Immunization or an Alternate Certificate of Immunization approved by the Department, which shall include one of the following forms of documentation with the dates and types of immunizations administered to a college or university student:
    1. A paper or electronic document that includes information transferred from the records of a licensed physician, registered nurse, delegated physician assistant, or public health official, or
    2. An electronic file or hard copy of an electronic file provided to the school directly from the immunization tracking system established pursuant to section 25-4-2403 C.R.S. or from a software program approved by the Department, or
  - B. An official medical exemption form with the date and vaccines exempted from, or
  - C. A nonmedical exemption form with the date, type of exemption taken and the vaccines exempted from.

2. Any immunization record (original or copy) provided by a physician licensed to practice medicine or osteopathic medicine in any state or territory of the United States, registered nurse, delegated physician assistant, or public health official may be accepted by the school official as proof of immunization.
  3. Schools shall have on file an official school immunization record for every college or university student enrolled.
- F. Reporting of statistical information – on December 1, 2016, and each year thereafter, any college or university that constitutes a school as defined by section I (M) shall send aggregate immunization and exemption data, by antigen, to the Department.

Required data shall include:

1. Total number of college or university students enrolled in the school;
  2. Total number of college or university students who are up-to-date with immunizations as required in this section (IX);
  3. Total number of college or university students who have a medical exemption for the MMR vaccine;
  4. Total number of college or university students who have a religious exemption for the MMR vaccine;
  5. Total number of college or university students who have a personal belief exemption for the MMR vaccine;
  6. Total number of in-process college or university students;
  7. Total number of college or university students who have a signed waiver for the Meningococcal vaccine;
  8. Total number of college or university students not up-to-date for the MMR vaccine, with no exemption on file, no Meningococcal vaccine waiver on file, and not in-process; and
  9. Total number of college or university students with no immunization records.
- X. Contract Requirements for Providers, Hospitals, and Health Care Clinics to be an Agent of the Department for the Purposes of the Immunization Program**
- A. To be an agent of the Department for the purposes of administering immunizations to infants, children, and students, a provider, hospital, or health care clinic must agree to provide each patient receiving a vaccine, or the parent or legal guardian, if the patient is an unemancipated minor, a copy of the currently approved Vaccine Information Statement, as required by federal law.
  - B. The Department shall make such requirements as are necessary to assure the confidentiality and security of information in immunization tracking system operated pursuant to section 25-4-2403(3), C.R.S.

**XI. Fee for the Administration, Reporting, and Tracking of Vaccine**

This section applies to immunizations provided by the Department that are recommended by the ACIP and available to Colorado practitioners.

- A. Practitioners may charge up to the Centers for Medicare and Medicaid Services maximum regional fee for the administration of vaccine. These fees apply to all vaccines provided by the Department.
- B. A vaccine recipient may not be denied vaccine provided by the Department because of inability to pay the administration fee.
- C. If a practitioner's vaccine administration costs are less than the Centers for Medicare and Medicaid Services maximum regional fee for the administration of vaccine, then they may only charge up to that lesser amount.

**XII. On-line educational module**

Per section 25-4-903 (2.5), C.R.S., the Department shall provide immunization information to the public. The immunization information and contents of this module shall include, but are not limited to:

- A. Exemption rates in Colorado that are available to the public through the Department,
- B. Evidence-based research,
- C. Resources and information from credible scientific and public health organizations, and
- D. Peer-reviewed studies.

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**Editor's Notes**

**History**

Section I, Table 1, Table 2 eff. 03/01/2008.

Section I, Table 1 eff. 03/02/2009.

Sections I-XI, Table 1 eff. 12/30/2010.

Sections I.L., II. A., Table 1 eff. 07/01/2012.

Section XI emer. rule eff. 01/16/2013.

Section XI, Table 1, Table 2 eff. 04/14/2013.

Sections I-IV, VI, IX, XI eff. 10/15/2014. Table 1, Table 2 repealed eff. 10/15/2014.

Sections I-VII, XII eff. 07/01/2015.

Sections I-IX eff. 10/15/2015. Sections III.C-D repealed eff. 10/15/2015.

Sections II, III, VII, IX eff. 07/15/2016.

Sections I.C-IV.A, VI.A-VII.A.11, IX.A.1, IX.E-F eff. 07/30/2017.

Entire rule eff. 08/14/2018.