

114TH CONGRESS
1ST SESSION

S. 486

To amend the Head Start Act to ensure that all children in Head Start and Early Head Start programs are vaccinated, and allow exemptions only for children with underlying medical conditions, for whom vaccines are therefore medically contraindicated.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2015

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Head Start Act to ensure that all children in Head Start and Early Head Start programs are vaccinated, and allow exemptions only for children with underlying medical conditions, for whom vaccines are therefore medically contraindicated.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Head Start on Vac-
5 cinations Act”.

1 **SEC. 2. VACCINATION REQUIREMENT.**

2 (a) HEAD START PROGRAMS.—The first subsection
3 of section 645 of the Head Start Act (42 U.S.C. 9840)
4 is amended by adding at the end the following:

5 “(6)(A) In this paragraph:

6 “(i) The term ‘complete vaccination informa-
7 tion’ means such information as the Secretary may
8 require under subparagraph (G), establishing that a
9 child is vaccinated in accordance with the pediatric
10 vaccine list.

11 “(ii) The term ‘Federally qualified health cen-
12 ter’ has the meaning given the term in section
13 1861(aa)(4) of the Social Security Act (42 U.S.C.
14 1395x(aa)(4)).

15 “(iii) The term ‘pediatric vaccine list’ means
16 the list, including the schedule, established (and pe-
17 riodically reviewed and as appropriate revised) by
18 the Advisory Committee on Immunization Practices
19 (an advisory committee established by the Secretary,
20 acting through the Director of the Centers for Dis-
21 ease Control and Prevention).

22 “(iv) The term ‘program-registered provider’
23 has the meaning given the term in section 1928(c)
24 of the Social Security Act (42 U.S.C. 1396s(c)).

25 “(B) In order for a child who is enrolled in a Head
26 Start program (other than an Early Head Start program)

1 assisted under this subchapter on the effective date of the
 2 Head Start on Vaccinations Act to remain eligible for par-
 3 ticipation in the program, a parent or guardian of the
 4 child shall submit complete vaccination information to the
 5 program, within 3 months after the effective date of the
 6 Head Start on Vaccinations Act.

7 “(C)(i) In order for a child to be enrolled in a pro-
 8 gram covered by subparagraph (B), a parent or guardian
 9 of the child—

10 “(I) shall submit complete vaccination informa-
 11 tion to the program, in a timely manner, as required
 12 under regulations issued under subparagraph (G); or

13 “(II) shall submit a signed agreement that the
 14 parent or guardian will provide that information as
 15 described in subclause (I), and consents to the ad-
 16 ministration described in subparagraph (D)(i) or the
 17 referral described in subparagraph (D)(ii).

18 “(ii) Except for the initial submission of information
 19 for a child described in subparagraph (B), in order for
 20 a child who is enrolled in a program covered by subpara-
 21 graph (B) to remain eligible for participation in the pro-
 22 gram, a parent or guardian of the child shall submit com-
 23 plete vaccination information to the program, in a timely
 24 manner, as required under such regulations. The director
 25 of the Head Start agency involved shall annually require

1 the parents or guardians of the children in the program
 2 to make such a submission to maintain that enrollment.

3 “(D) To assist a parent or guardian in complying
 4 with subparagraph (B) or (C), the director of a Head
 5 Start agency may use funds made available under this
 6 subchapter to—

7 “(i) at the request of the parent or guardian,
 8 have an employee of the agency, who is eligible to
 9 administer vaccines in the State in which the agency
 10 is located, administer any missing vaccines on the
 11 pediatric vaccine list to the child; or

12 “(ii) assist the parent or guardian in gaining
 13 access to the vaccines, such as by referring the par-
 14 ent or guardian to a Federally qualified health cen-
 15 ter, a State or county public health clinic, a pro-
 16 gram-registered provider, or a provider or contractor
 17 under title V of the Social Security Act (42 U.S.C.
 18 701 et seq.), that has a health care provider who is
 19 eligible to administer vaccines as described in clause
 20 (i).

21 “(E)(i) Subject to clause (ii), the director of a Head
 22 Start agency shall, in a timely manner, remove from the
 23 corresponding Head Start program any child who is not
 24 in compliance with subparagraph (B) or (C).

1 “(ii) The director may exempt a child from subpara-
2 graph (B) or (C) only if a parent or guardian of the child
3 submits information from a health care provider, who
4 (under the State’s law concerning vaccinations) is quali-
5 fied to determine whether the child has an underlying
6 medical condition, that the child has an underlying med-
7 ical condition and that administration of vaccines is, there-
8 fore, medically contraindicated for the child.

9 “(F)(i) Except as provided in clause (ii), in the case
10 of a child in a Head Start program, this paragraph shall
11 apply notwithstanding any portion of a State law requiring
12 vaccines that is inconsistent with the pediatric vaccine list.

13 “(ii) Nothing in this paragraph shall be construed to
14 prevent a State from requiring vaccines in addition to the
15 vaccines on the pediatric vaccine list.

16 “(G)(i) Not later than the effective date of the Head
17 Start on Vaccinations Act, the Secretary shall issue regu-
18 lations concerning implementation of this paragraph. The
19 regulations shall include provisions specifying timeliness
20 for submission of information under subparagraph (C),
21 the information required to be submitted as complete vac-
22 cination information, and timeliness for removal of a child
23 from a Head Start program under subparagraph (E).

24 “(ii) Before issuing the regulations, the Secretary
25 shall—

1 “(I) consult with Indian tribes about the appli-
2 cation of this paragraph to children from Indian
3 tribes;

4 “(II) consult with the national migrant and sea-
5 sonal Head Start collaboration director about the
6 application of this paragraph to children from mi-
7 grant and seasonal farmworker families; and

8 “(III) consider the application of this para-
9 graph to homeless children and foster children.

10 “(iii) This paragraph takes effect on the date of en-
11 actment of the Head Start on Vaccinations Act.”.

12 (b) EARLY HEAD START PROGRAMS.—Section 645A
13 of the Head Start Act (42 U.S.C. 9840a) is amended—

14 (1) in subsection (c), by striking “Persons” and
15 inserting “Except as provided in subsection (j), per-
16 sons”; and

17 (2) by adding at the end the following:

18 “(j) VACCINATIONS.—The provisions of section
19 645(a)(6) shall apply to Early Head Start agencies, Early
20 Head Start programs, and children under age 3, in the
21 same manner and the same extent as those provisions
22 apply to Head Start agencies, Head Start programs, and
23 children.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 Except as otherwise provided in the Head Start Act,
3 this Act, including the amendments made by this Act,
4 takes effect 3 months after the date of enactment of this
5 Act.

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