

Chapter 3
Mandatory Immunizations for Children Attending
Schools and Child Caring Facilities

Section 1. Authority

The Wyoming Department of Health (Department) promulgates this chapter under the authority granted by Wyo. Stat. Ann. §§ 14-4-116, 21-4-309, 35-1-240, and 35-4-101.

Section 2. Purpose

This chapter establishes the mandatory immunization requirements for a child to attend a school or child caring facility according to Wyo. Stat. Ann. §§ 14-4-116 and 21-4-309.

Section 3. Applicability

- (a) This chapter applies to a child:
 - (i) Attending a school, full or part time;
 - (ii) Participating in a school sanctioned activity; or
 - (iii) Attending a child caring facility, full or part time.

Section 4. Minimum Immunization Requirements

- (a) A child must be immunized against the following vaccine-preventable diseases:
 - (i) Diphtheria;
 - (ii) Haemophilus influenza type b;
 - (iii) Hepatitis B;
 - (iv) Measles;
 - (v) Mumps;
 - (vi) Pertussis;
 - (vii) Polio;
 - (viii) Pneumococcal;
 - (ix) Rotavirus;

- (x) Rubella;
- (xi) Tetanus; and
- (xii) Varicella.

(b) The administration of a vaccine required under subsection (a) of this section, including the number of doses that a child must have at any given age and the minimum intervals between these doses, must be in accordance with the Advisory Committee on Immunization Practices (ACIP), Recommended Immunization Schedule for Children and Adolescents Aged 18 or Younger (ACIP Schedule), which has been incorporated by reference under Chapter 1 of these rules. The Department will amend this incorporated reference as necessary to reflect updated ACIP recommended immunization schedules.

(c) A vaccine administered up to four (4) days prior to the minimum age listed for that vaccine is considered compliant with the ACIP Schedule.

(d) A child who has completed an immunization series following the minimum intervals in accordance with an ACIP Recommended Immunization Schedule published at the time of administration or the immunization rules in effect at the time of administration, is considered immunized against the relevant vaccine-preventable disease if the number of vaccine doses the child received conforms to the requirements of subsection (b) of this section.

Section 5. Proof of Immunization

(a) The following qualifies as documentary proof of immunization:

(i) An immunization record generated from the Immunization Information System (IIS) established by the Department;

(ii) An immunization record certified by a primary health care provider;

(iii) An immunization record certified by a physician licensed in the United States, or the physician's designee; or

(iv) An immunization record certified by a public health authority.

(b) An immunization record must include the following information:

(i) Source of the record;

(ii) Child's name;

(iii) Child's date of birth;

(iv) Name of each vaccine administered; and

(v) Month, day and year each vaccine was administered.

(c) The proof of immunization must establish that the minimum immunization requirements under Section 4 of this chapter have been satisfied and all immunizations are valid.

Section 6. Evidence of Immunity

(a) The following may be submitted as evidence of a child's immunity against a vaccine-preventable disease and in lieu of the documentary proof of immunization required for the particular vaccine-preventable disease:

(i) A positive serologic test for measles, mumps, rubella, hepatitis B, varicella, or all 3 serotypes of poliomyelitis found in the polio vaccines; or

(A) A serology result reported as equivocal is not acceptable evidence of immunity.

(ii) A written diagnosis or verification of a history of varicella or herpes zoster by a physician or the physician's designee.

(A) To verify a history of varicella, health care providers should inquire about an epidemiologic link to another typical varicella case or to a laboratory confirmed case, or evidence of laboratory confirmation, if testing was performed at the time of acute disease.

Section 7. Waivers

(a) A waiver of an immunization required under Section 4 of this chapter must be granted if written evidence of a religious objection is submitted to the State or County Health Officer by the child's parent. Written evidence of religious objection includes:

(i) A complete and signed religious waiver form, found at <https://health.wyo.gov/publichealth/immunization> and made available by the Department upon request; or

(ii) A signed statement from the child's parent, certifying religious objection to the administration of a specific immunization.

(b) A waiver of an immunization required under Section 4 of this chapter must be granted if written evidence of medical contraindication is submitted to the State or County Health Officer by the child's parent. Written evidence of medical contraindication includes:

(i) A complete and signed medical waiver form, found at <https://health.wyo.gov/publichealth/immunization> and made available by the Department upon request; or

(ii) A signed statement from a licensed physician certifying the medical contraindication to the administration of any required immunization that includes the date issued; the physician's name, signature, license number, and state of licensure; the child's name and date of birth; and a statement that a specific immunization is medically contraindicated.

(c) The State or County Health Officer shall grant a waiver to a child upon submission of written evidence of religious objection or medical contraindication. In the event a child submits written evidence in a form that the State or County Health Officer determines does not comply with subsections (a) or (b) of this subsection, the State or County Health Officer shall determine whether to grant a waiver consistent with *Lepage v. State of Wyo., Dep't of Health*, 2001 WY 26, 18 P.3d 1177 (Wyo. 2001), and *Jones ex rel. Jones v. State of Wyo., Dep't of Health*, 2001 WY 28, 18 P.3d 1189 (Wyo. 2001).

(d) A waiver granted under this section is limited in scope to the immunizations referenced in the submitted written evidence of religious objection or medical contraindication.

(e) If the immunization requirements under Section 4 of this chapter are amended to include a new immunization, a previously-granted waiver under this section does not apply to the newly required immunization. If the newly required immunization is objected to on religious or medical grounds, a new waiver must be requested in accordance with this section.

(f) A waiver issued by another state does not qualify as written evidence of religious objection or medical contraindication. A new waiver must be requested in accordance with this section.

(g) A child granted a religious or medical waiver by the State or County Health Officer may continue to attend a school or child caring facility unless there is a vaccine-preventable disease outbreak pursuant to Chapter 4, Section 6 of these rules.

(h) If a parent objects to the State or County Health Officer's decision on a request for a religious or medical waiver, the parent may request a review and final decision by the State Health Officer. The child shall remain in school during the review process unless there is a vaccine-preventable disease outbreak pursuant to Chapter 4, Section 7 of these rules.

(i) A County Health Officer shall provide a copy of the County Health Officer's approved exemptions to the Department within thirty (30) days of the approval.

(j) All approved waivers will be recorded in the IIS unless the parent submits a Use and Disclosure Restriction (F-12) form found at <https://health.wyo.gov/admin/privacy> and made available by the Department upon request.

Section 8. Parent Responsibilities

(a) A parent shall submit the following documentation of a child's immunization status to the school or child caring facility administrator, or the administrator's designee within thirty (30) calendar days after the date of entry.

- (i) Documentary proof of immunization pursuant to Section 5 of this chapter;
- (ii) Evidence of immunity pursuant to Section 6 of this chapter; or
- (iii) An approved religious or medical waiver pursuant to Section 7 of this chapter.

(b) A child without the required documentation will not be permitted to attend a school or child caring facility for more than thirty (30) calendar days after the date of entry.

(c) A parent may request conditional enrollment for the child by submitting written documentation from a primary health care provider, the primary health care provider's designee, or a public health authority specifying the following:

- (i) The child has received at least the first dose in each immunization series and has age-appropriate appointments to complete the immunization series according to Chapter 3 of these rules; or

- (ii) The child is obtaining serologic tests within thirty (30) calendar days of notification by the parent that such testing has been requested; or

- (iii) The child's serologic test(s) are negative, and therefore the child in question has appointments to be immunized within thirty (30) calendar days of notification to the parent to complete, or begin completion of the immunization series in accordance with Chapter 3 of these rules.

(d) Conditional enrollment may only be granted by a school or child caring facility administrator in accordance with Chapter 4 Section 6 of these rules.

(e) A parent may provide consent to a school or child caring facility administrator or the administrator's designee to access the child's immunization record in the IIS in accordance with Chapter 4, Section 8.

Section 9. Emancipated or Adult-Aged Children

The duties imposed upon and rights granted to a parent under this chapter apply to an emancipated or adult-aged child attending school, full or part-time, or participating in school sanctioned activities.