

2022 Regular Session

HOUSE BILL NO. 531

BY REPRESENTATIVE AMEDEE

VACCINES/VACCINATION: Provides for civil remedies for a student who is denied entry into school because of immunization requirements

1 AN ACT

2 To amend and reenact R.S. 17:170(E), relative to student immunization requirements; to
3 provide for a cause of action, remedies, and damages for a student who is denied
4 entrance into a school because of a vaccination requirement; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:170(E) is hereby amended and reenacted to read as follows:

8 §170. Immunization of persons entering schools, kindergartens, colleges,
9 proprietary or vocational schools, and day care centers for the first time;
10 immunization of persons entering sixth grade; electronic transmission of
11 immunization compliance reports; cause of action

12 * * *

13 E.(1) No person seeking to enter any school or facility enumerated in
14 Subsection A of this Section shall be required to comply with the provisions of this
15 Section if the student or his parent or guardian submits either a written statement
16 from a physician stating that the procedure is contraindicated for medical reasons,
17 or a written dissent from the student or his parent or guardian is presented.

18 (2)(a) Any person denied entrance to a school or facility pursuant to this
19 Section despite submission of a statement from a physician or a written dissent as
20 provided for in Paragraph (1) of this Subsection may assert a cause of action in any

1 court of competent jurisdiction against the school or facility or the governing
2 authority of the school or facility for injunctive relief, protective order, writ of
3 mandamus, or declaratory relief and to recover actual damages, court costs, and
4 attorney fees.

5 (b) A civil action authorized by this Paragraph may be brought by the student
6 or his parent or guardian.

7 (c) A civil action authorized by this Paragraph shall be initiated within two
8 years after the date entrance was denied.

9 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 531 Engrossed

2022 Regular Session

Amedee

Abstract: Provides for a cause of action against a school that denies entrance to students because of immunization requirements.

Present law requires each person entering any school for the first time to present satisfactory evidence of immunity to or immunization against vaccine-preventable diseases according to a schedule approved by the office of public health or to present evidence of an immunization program in progress. Exempts a student from this requirement if he submits a written dissent or a doctor's note relative to medical contraindication.

Proposed law authorizes a student who is denied entrance to a school pursuant to present law despite presentation of a written dissent or doctor's note to assert a cause of action for injunctive relief, protective order, writ of mandamus, or declaratory relief and to recover actual damages, court costs, and attorney fees. Provides that such an action may be brought by the student or his parent or guardian and must be brought within two years after the date entrance was denied.

(Amends R.S. 17:170(E))