

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 1

BY REPRESENTATIVE IVEY

VACCINES/VACCINATION: Suspends provisions of law authorizing the exclusion of unimmunized persons from in-person attendance at schools and day care centers under certain circumstances

1 A CONCURRENT RESOLUTION

2 To suspend until sixty days after final adjournment of the 2023 Regular Session of the
3 Legislature of Louisiana the provisions of R.S. 17:170(F), relative to immunizations
4 of persons entering certain educational institutions during an outbreak of a
5 communicable disease.

6 WHEREAS, R.S. 40:5 provides that "the state health officer and the office of public
7 health of the Louisiana Department of health shall have exclusive jurisdiction, control, and
8 authority ... to isolate or quarantine for the care and control of communicable disease with
9 the state" and "to take such action as is necessary to accomplish the subsidence and
10 suppression of diseases of all kinds in order to prevent their spread"; and

11 WHEREAS, the control of the spread of communicable diseases within the state can
12 be accomplished through the authority granted by the Sanitary Code; R.S. 40:4(A)(13)
13 provides that "the state health officer, through the office of public health, shall be expressly
14 empowered and authorized to issue emergency rules and orders when necessary and for the
15 purposes of controlling nuisances dangerous to the public health and communicable,
16 contagious, and infectious diseases, and any other danger to the public life, health, and
17 safety"; and

18 WHEREAS, R.S. 17:170(F) provides that "in the event of an outbreak of a vaccine-
19 preventable disease at the location of an educational institution or facility ... the
20 administrators of that institution or facility are empowered, upon the recommendation of the

1 office of public health, to exclude from attendance unimmunized students and clients until
2 the appropriate disease incubation period has expired or the unimmunized person presents
3 evidence of immunization"; and

4 WHEREAS, it is the intention of the legislature to confine the process and
5 procedures for making any determination to exclude unimmunized students from attendance
6 during an outbreak of a vaccine preventable disease to the exclusive authority of the state
7 health officer to issue emergency rules and orders when necessary to control communicable
8 diseases; and

9 WHEREAS, it is not the intention of the legislature to diminish the authority or
10 impair the ability of the state health officer who has the exclusive jurisdiction, control, and
11 authority to take such action as is necessary to accomplish the subsidence and suppression
12 of diseases of all kinds in order to prevent their spread.

13 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
14 the provisions of R.S. 17:170(F), relative to immunizations of persons entering certain
15 educational institutions during an outbreak of a communicable disease.

16 BE IT FURTHER RESOLVED that this suspension shall become effective upon
17 adoption of this Resolution and shall extend through the sixtieth day after final adjournment
18 of the 2023 Regular Session of the Legislature of Louisiana.

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)]

HCR 1 Engrossed

2022 Regular Session

Ivey

Suspends (until 60 days after the final adjournment of the 2023 R.S.) the provisions of R.S. 17:170(F), relative to immunizations of persons entering certain educational institutions during an outbreak of a communicable disease.

(Suspends R.S. 17:170(F))