

CHAPTER 4604
DEPARTMENT OF HEALTH
IMMUNIZATION

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4604.0100 SCOPE AND EFFECT.

According to Minnesota Statutes, sections 121A.15, subdivision 12, and 135A.14, subdivision 7, parts 4604.0100 to 4604.1000 modify the requirements of and supersede any conflicting provisions of Minnesota Statutes, sections 121A.15 and 135A.14.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396*

Published Electronically: *October 7, 2003*

4604.0200 DEFINITIONS.

Subpart 1. **Applicability.** The terms used in parts 4604.0100 to 4604.1000 have the meaning given them in this part and in Minnesota Statutes, sections 121A.15, subdivision 9, and 135A.14, subdivision 1.

Subp. 2. **Enroll.** "Enroll" in a child care facility or school means to begin attending the child care facility or school. The first day that a child begins attending the facility or school is the day that the child enrolls in the facility or school.

Subp. 2a. **Medically acceptable standards.** "Medically acceptable standards" means immunization recommendations promulgated by the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices.

Subp. 3. **Pneumococcal vaccine.** "Pneumococcal vaccine" means the pneumococcal conjugate vaccine licensed for vaccination of children from two months to five years of age.

Subp. 4. **Provider.** "Provider" means a licensed physician, registered physician assistant, or advanced practice registered nurse, as defined in Minnesota Statutes, section 148.171, subdivision 3.

Subp. 4a. School-based early childhood program.

A. Under authority of Minnesota Statutes, section 121A.15, subdivision 12, "school-based early childhood program" means a program that provides services to children from birth to the start of kindergarten in a classroom setting. Whether in a school building or not, the program meets at least once a week for six weeks or more during the year with the purpose of providing instructional or other services to support children's learning and development. It does not include drop-in playtime provided through a school-based early childhood program in a school or classroom setting.

B. The definition in this subpart applies to parts 4604.0100, 4604.0300, 4604.0400, 4604.0500, 4604.0700, 4604.0900, and 4604.1000, and Minnesota Statutes, section 121A.15.

Subp. 5. **Varicella disease.** "Varicella disease" means the chicken pox disease.

Subp. 6. **Varicella vaccine.** "Varicella vaccine" means the product used to vaccinate persons against the chicken pox disease.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396; 38 SR 557*

Published Electronically: *November 18, 2013*

4604.0250 PHYSICIAN AND PROVIDER STATEMENTS.

For purposes of Minnesota Statutes, section 121A.15, subdivisions 1, 2, 3, and 4, a statement from a physician or a statement signed by a physician includes a statement from or a statement signed by a provider, as defined under part 4604.0200, subpart 4.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

Published Electronically: October 7, 2003

4604.0300 SCHEDULE CHANGES.

Subpart 1. School-age children.

A. If a required immunization for an elementary or secondary school student involves a series of doses, then the elementary or secondary school student must complete the required immunization series within eight months of the first day on which the requirement was imposed to remain enrolled in elementary or secondary school.

B. If an elementary or secondary school student is unable to complete the required immunization series within eight months due to a medical condition, a provider must submit a request for an extension until the student's medical condition allows the student to complete the series. The request must be submitted to the administrator or other person having general control and supervision of the school.

Subp. 2. **Timing of administered vaccine dose.** A vaccine dose administered four or less days before the minimum age required by law is considered timely for purposes of parts 4604.0100 to 4604.1000 and Minnesota Statutes, sections 121A.15 and 135A.14.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

Published Electronically: October 7, 2003

4604.0400 IMMUNIZATION DOCUMENTATION RECORD.

To document a person's immunization history as required under parts 4604.0100 to 4604.1000 and Minnesota Statutes, section 121A.15, all child care facilities and elementary and secondary schools must use the Department of Health's official record form or a similar document approved by the commissioner of health when communicating to parents or guardians regarding immunization requirements and exemption procedures. The record form requests information about immunizations and includes statements for documenting medical or conscientious exemptions. Nothing in this part limits a facility or school from sending other information to parents or guardians that is related to immunizations and is in compliance with law.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

Published Electronically: October 7, 2003

4604.0410 REPORT.

A. The school report required under Minnesota Statutes, section 121A.15, subdivision 8, must be filed with the commissioner of health within 90 days of the commencement of each new school term.

B. The administrator or other person having general control and supervision of the child care facility or school-based early childhood program shall file a report with the commissioner of health on all persons enrolled in the child care facility by December 1 of each year.

Statutory Authority: *MS s 121A.15*

History: *38 SR 557*

Published Electronically: *November 18, 2013*

4604.0420 POLIO VACCINATION REQUIREMENT.

Except as provided in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), and for children who have completed the polio vaccination series by September 1, 2014, to enroll or remain in a child care facility, a school-based early childhood program, or an elementary or secondary school, beginning September 1, 2014, a child's parent or legal guardian must submit documentation to the administrator or person having general control and supervision of the facility, program, or school that the child has received vaccination consistent with medically acceptable standards against poliomyelitis.

Statutory Authority: *MS s 121A.15*

History: *38 SR 557*

Published Electronically: *November 18, 2013*

4604.0430 TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINATION REQUIREMENT.

Except as provided in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), and for children who have completed the tetanus, diphtheria, and pertussis vaccinations by September 1, 2014, to enroll or remain in a child care facility or school-based early childhood program or elementary school, beginning September 1, 2014, a child's parent or legal guardian must submit documentation to the administrator or person having general control and supervision of the facility or program that the child has received vaccination consistent with medically acceptable standards against diphtheria, tetanus, and pertussis.

Statutory Authority: *MS s 121A.15*

History: *38 SR 557*

Published Electronically: *November 18, 2013*

4604.0500 HAEMOPHILUS INFLUENZA TYPE B (HIB) DOSE REQUIREMENT FOR CHILD CARE ENROLLMENT.

Except as provided in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c), (d), or (f), to enroll or remain enrolled in a child care facility, a child's parent or legal guardian must submit documentation to the administrator or person having general control and supervision of the child care facility that the child received at least one dose of vaccine for HIB at or after 12 months of age.

Statutory Authority: *MS s 121A.15; 135A.14*

History: 28 SR 396

Published Electronically: October 7, 2003

4604.0600 CHANGES IN MEASLES, MUMPS, AND RUBELLA VACCINATION REQUIREMENTS; KINDERGARTEN THROUGH GRADE 12.

Subpart 1. **Measles, mumps, and rubella at kindergarten.** Except as provided in subpart 2 or in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), the following documentation is required:

A. beginning with the 2014-2015 school year, students in kindergarten through grade 12 must have: (1) proof of receipt of vaccination consistent with medically acceptable standards against measles, mumps, and rubella; (2) documentation of a history of having had measles, mumps, and rubella; or (3) an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), and produce the documentation or exemption statement if required to do so; and

B. beginning with the 2014-2015 school year, a student entering kindergarten or grade 7 must submit: (1) documentation of vaccination consistent with medically acceptable standards against measles, mumps, and rubella; (2) documentation of a history of having had measles, mumps, and rubella; or (3) an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d).

The documentation or exemption statement required by this subpart must be submitted to the administrator or person having general control and supervision of the school.

Subp. 2. [Repealed, L 2012 c 187 art 1 s 75]

Subp. 3. **Documentation for out-of-state transfer students.** Beginning with the 2012-2013 school year, a student who transfers from outside Minnesota to a Minnesota school in grades 1 through 12 must show documentation that the student received two doses of vaccine each for measles, mumps, and rubella or have an exemption statement according to Minnesota Statutes, section 121A.15, subdivision 3. The documentation must be submitted to the administrator or person having general control and supervision of the school.

Statutory Authority: MS s 121A.15; 135A.14

History: 28 SR 396; L 2012 c 187 art 1 s 75; 38 SR 557

Published Electronically: November 18, 2013

4604.0700 SUSPENSION OF SCHOOL IMMUNIZATION LAWS.

A. The commissioner of health shall suspend one or more of the immunization requirements in parts 4604.0100 to 4604.1000 or in Minnesota Statutes, section 121A.15 or 135A.14, if the commissioner determines that suspension of the requirement is necessary to address a vaccine shortage or other emergency situation statewide or in a portion of the state.

B. In determining whether suspension of the requirement is necessary to address a vaccine shortage or other emergency situation and in determining the portion of the state for which suspension is necessary, the commissioner shall consider the following factors:

- (1) the availability of the vaccine;
- (2) the inability to comply with the law due to a natural or man-made disaster; or
- (3) the ability to fulfill the commissioner's general duties under Minnesota Statutes, section 144.05.

C. The commissioner shall suspend a requirement for the length of time needed to remedy the vaccine shortage or emergency situation. If the commissioner suspends a requirement under this part, the commissioner shall publish notice of the suspension on the Department of Health's web page and mail notices to all affected elementary, secondary, and post-secondary schools, child care facilities, and providers.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396*

Published Electronically: *September 7, 2018*

4604.0800 HEPATITIS B DOSE REQUIREMENT.

A hepatitis B vaccine licensed for and administered according to an alternative dosing schedule, such as the two dose series for adolescents ages 11 through 15 years, meets the hepatitis B vaccination requirement in parts 4604.0100 to 4604.1000 and in Minnesota Statutes, section 121A.15.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396*

Published Electronically: *October 7, 2003*

4604.0810 HEPATITIS B VACCINATION REQUIREMENT; KINDERGARTEN THROUGH GRADE 12.

A. Beginning with the 2014-2015 school year, students in kindergarten through grade 12 must have proof of receipt of vaccination consistent with medically acceptable standards against hepatitis B, or have an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), and produce the documentation or exemption statement if required to do so.

B. Beginning with the 2014-2015 school year, a student entering kindergarten or grade 7 must submit documentation of vaccination consistent with medically acceptable standards against hepatitis B, or submit an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d).

The documentation or exemption statement required by this subpart must be submitted to the administrator or person having general control and supervision of the school.

Statutory Authority: *MS s 121A.15*

History: *38 SR 557*

Published Electronically: *November 18, 2013*

4604.0815 HEPATITIS B VACCINATION REQUIREMENT; OTHER.

Beginning September 1, 2014, a child enrolling in child care or a school-based early childhood program must submit documentation of vaccination consistent with medically acceptable standards against hepatitis B, or submit an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), to the administrator or person having general control and supervision of the program.

Statutory Authority: *MS s 121A.15*

History: *38 SR 557*

Published Electronically: *November 18, 2013*

4604.0820 HEPATITIS A VACCINATION REQUIREMENT.

Beginning September 1, 2014, a child enrolling in child care or a school-based early childhood program must submit documentation of vaccination consistent with medically acceptable standards against hepatitis A, or submit an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), to the administrator or person having general control and supervision of the program.

Statutory Authority: *MS s 121A.15*

History: *38 SR 557*

Published Electronically: *November 18, 2013*

4604.0900 VARICELLA VACCINATION REQUIREMENT.

Subpart 1. **Requirements for child care enrollees.** Except for children who have already been vaccinated with the varicella vaccine prior to September 1, 2014, beginning September 1, 2014, a child 15 months of age or older who is enrolled in a child care facility in this state must submit:

- A. documentation of receipt of the varicella vaccine consistent with medically acceptable standards;
- B. documentation of a history of varicella disease; or
- C. an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d).

The documentation or exemption statement required by this subpart must be submitted to the administrator or person having general control and supervision of the child care facility.

Subp. 2. **Requirements for students.**

A. Beginning with the 2014-2015 school year, students in kindergarten through grade 12 must have:

- (1) proof of receipt of vaccination consistent with medically acceptable standards against varicella;
- (2) documentation of a history of having had varicella disease; or
- (3) proof of an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d).

B. Beginning with the 2004-2005 school year, a student entering kindergarten or seventh grade must submit:

- (1) documentation of receipt of the varicella vaccine consistent with medically acceptable standards;
- (2) documentation of a history of varicella disease; or
- (3) an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d).

The documentation or exemption statement required by this subpart must be submitted to the administrator or person having general control and supervision of the school.

Subp. 3. **Documentation of varicella vaccine.** Documentation of receipt of the varicella vaccine under subparts 1 and 2 must:

- A. include a statement that the child received the varicella vaccination consistent with medically acceptable standards and must include the month, day, and year of the vaccination; and
- B. be signed by a provider, a representative of a public clinic, or the child's parent or legal guardian.

Subp. 4. **Documentation of disease history.** Documentation of a history of varicella disease under subparts 1 and 2 must include one of the following:

- A. the signature of a provider and must include the date of the child's varicella illness;
- B. the signature of a provider and must include a statement that a parent's or legal guardian's description of the child's varicella disease history is indicative of past varicella infection;
- C. the signature of a provider or a representative of a public clinic and must include laboratory evidence of the child's varicella immunity; or
- D. if a child had varicella disease before September 1, 2010, a statement documenting the child had varicella disease that is signed by the child's parent or legal guardian and includes the year that the child had the varicella disease.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396; 38 SR 557*

Published Electronically: *November 18, 2013*

4604.1000 NEW PNEUMOCOCCAL VACCINE REQUIREMENT.

Subpart 1. **Requirement for child care enrollees.** Beginning September 1, 2004, a child enrolled or enrolling in a child care facility in this state who is at least two months old and not yet two years old must submit documentation of receipt of the pneumococcal conjugate vaccine consistent with medically acceptable standards or must submit an exemption statement according to Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d). The documentation required by this subpart must be submitted to the administrator or other person having general control and supervision of the child care facility.

Subp. 2. **Documentation of vaccine.** Documentation of receipt of the pneumococcal vaccination under subpart 1 must:

A. include a statement that the child received the pneumococcal vaccination consistent with medically accepted standards and must include the month, day, and year of the vaccination; and

B. be signed by a provider or representative of a public clinic or, if the child is at least 15 months old, by a provider, a representative of a public clinic, or the child's parent or legal guardian.

Statutory Authority: *MS s 121A.15; 135A.14*

History: *28 SR 396*

Published Electronically: *October 7, 2003*

4604.1010 TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINATION REQUIREMENT; GRADES 7 TO 12.

A. Beginning September 1, 2014, a student entering grade 7 must submit documentation of vaccination consistent with medically acceptable standards against tetanus, diphtheria, and pertussis, or submit an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), to the administrator or person having general control and supervision over the school.

B. Beginning with the 2014-2015 school year, students in grades 7 through 12 must have proof of receipt of vaccination consistent with medically acceptable standards against tetanus, diphtheria, and pertussis, or have an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), and produce the documentation or exemption statement if required to do so.

Statutory Authority: *MS s 121A.15*

History: *38 SR 557*

Published Electronically: *November 18, 2013*

4604.1020 MENINGOCOCCAL VACCINATION REQUIREMENT; GRADES 7 TO 12.

A. Beginning September 1, 2014, a student entering grade 7 must submit documentation of vaccination consistent with medically acceptable standards against meningococcal disease, or submit an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), to the administrator or person having general control and supervision over the school.

B. Beginning with the 2014-2015 school year, students in grades 7 through 12 must have proof of receipt of vaccination consistent with medically acceptable standards against meningococcal disease, or have an exemption statement as specified in Minnesota Statutes, section 121A.15, subdivision 3, paragraph (c) or (d), and produce the documentation or exemption statement if required to do so.

Statutory Authority: *MS s 121A.15*

History: *38 SR 557*

Published Electronically: *November 18, 2013*