



**State of Louisiana**  
Louisiana Department of Health  
Office of the Secretary

June 10, 2022

**Via Statutorily Required Email**

**To:** The Honorable Patrick Page Cortez, President, Louisiana Senate  
The Honorable Clay Schexnayder, Speaker, Louisiana House of Representatives  
The Honorable Chairman Fred H. Mills Jr., Senate Health & Welfare Committee  
The Honorable Chairman Larry Bagley, House Health & Welfare Committee

**From:** Dr. Courtney N. Phillips  
Secretary

**Re:** First Report: Proposed Amendments to LAC 51:II.701 – Immunization Schedule

A handwritten signature in blue ink, appearing to read "Courtney Phillips", is written over the "From:" field.

Under the authority of the laws of the State of Louisiana and in accordance with the provisions of Chapter 6 of Title 36 of the Louisiana Revised Statutes of 1950, and with the Administrative Procedure Act, La. R.S. 49:950 *et seq.*, the secretary hereby gives notice that rulemaking procedures have been initiated to promulgate amendments to the rules governing the administration of Immunization Schedule, LAC 51:II.701.

- I. Copy of the rule as it is proposed after amendment, with new proposed language indicated by the underscored text and deleted language indicated by the strike-through type.

See attachment.

- II. A statement of the proposed action.

The proposed rulemaking will remove the SARS-COV-2 vaccine to the list of age-appropriate required vaccines for daycare and school entry/participation in Louisiana once the vaccine is approved by the FDA.

- III. Specific citation of law authorizing promulgation of the rule.

R.S. 40:4, R.S. 40:5, and R.S. 49:950, *et. seq.*

IV. Circumstances which require the amendment of the rule.

Since Louisiana Department of Health (LDH) is repealing a promulgated/published rule, a rule to repeal is necessary pursuant to the Louisiana Administrative Procedure Act.

V. Statement of Fiscal and Economic Impact.

See attachment.

Please contact DeAnn Gruber, Ph.D., [deann.gruber@la.gov](mailto:deann.gruber@la.gov), if you have any questions or require additional information about this matter.

Attachments (2)

Cc: Joseph Kanter, MD, MPH, State Health Officer  
Kimberly Hood, JD, MPH, Assistant Secretary, OPH  
Melissa Mendoza, JD, MPH, Legislative & Regulatory Affairs Director, OPH  
Aliya Rubenstein, JD, MPH, Rulemaking Liaison, OPH  
Bethany Blackson, Legislative Liaison, LDH  
Catherine Brindley, Editor, *Louisiana Register*, Office of the State Register

**NOTICE OF INTENT**  
**Louisiana Department of Health**  
**Office of Public Health**  
**Public Health Immunization Requirements**  
**LAC 51, Part II, Section 701**

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH/OPH), intends to amend and recodify parts of Chapter 7 of Part II of Title 51—Public Health Immunization Requirements.

This proposed rule will amend §701 of Chapter 7 of Part II of Title 51—Public Health Immunization Requirements. The proposed amendments remove vaccines for SARS-CoV-2 from the list of required vaccinations for school entry and attendance.

**§701. Immunization Schedule**  
**[formerly paragraph 2:025]**

A. The Office of Public Health (OPH) will determine the Louisiana immunization schedule, with appropriate immunizations for age using the current immunization schedule from the Advisory Committee for Immunization Practice (ACIP) of the United States Public Health Service (USPHS). Compliance for school and day care center entry will be based on the individual having received an appropriate number of immunizations for his/her age of the following types:

1. vaccines which contain tetanus and diphtheria toxoids, including Diphtheria and Tetanus (DT), Diphtheria/Tetanus/Acellular Pertussis (DTaP), Tetanus and Diphtheria (Tdap), Tetanus Toxoid (TT) or combinations which include these components;
2. polio vaccine, including Inactivated Polio Vaccine (IPV), or combinations which include this component;
3. vaccines which contain measles antigen, including Measles, Mumps, and Rubella (MMR) and combinations which include these components;
4. vaccines which contain hepatitis antigen, including Hepatitis B (HepB), Hepatitis A (HepA), and combinations which include these components;
5. vaccines which contain varicella antigen, including varicella and combinations which include this component.
6. vaccines which contain meningococcal antigen and combinations which include this component.

~~7. vaccines for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2, the virus which causes Coronavirus Disease 2019, also known as COVID-19), or~~

~~variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food & Drug Administration (FDA) for the individual's age. Repeal.~~

B. – D. . . .

~~E.——Notwithstanding anything in this Section or Code to the contrary, and in addition to any other requirements of law, each individual entering or attending any school within the state in person shall present to such school satisfactory evidence of having received vaccination(s) in accordance with the dosing schedule, including any booster doses recommended by the U.S. Centers for Disease Control and Prevention (CDC), set forth in the applicable Vaccine Information Statement (VIS) for severe acute respiratory syndrome-coronavirus 2 (SARS-CoV-2, the virus which causes COVID-19), or known variants thereof, to the extent that such vaccines have been fully approved by the U.S. Food & Drug Administration (FDA) for the individual's age. Satisfactory evidence that administration of such vaccinations is in progress will satisfy this requirement. Each school in this state shall prohibit in-person attendance of any individual not vaccinated as required by this subsection, unless the individual submits a written statement from a physician stating that such vaccination is contraindicated for medical reasons, or the individual or his parent or guardian submits a written dissent. Each school in this state shall maintain records showing compliance of each attending individual with the requirements of this subsection. As used in this subsection, the term "school" shall include, but is not limited to, elementary and secondary schools, kindergartens, colleges, universities, proprietary schools, vocation schools, and licensed day care centers. Repeal.~~

**AUTHORITY NOTE:** Promulgated in accordance with the provisions of R.S. 40:4(A)(2), R.S. 40:5(A) and R.S. 40:31.15. Also see R.S. 17:170, R.S. 22:1030, and R.S. 44:17.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1221 (June 2002), amended LR 38:1252 (May 2012), amended by the Department of Health, Office of Public Health, LR 45:670 (May 2019), amended LR 46:590 (April 2020), amended by the Department of Health, Office of Public Health, LR 47:1877 (December 2020); LR 48:

#### **Family Impact Statement**

1. Will the proposed rule affect the stability of the family? No.
2. Will the proposed rule affect the authority and rights of parents regarding the education and supervision of their children? No, parents will still be able to exempt their children from being vaccinated for religious, medical, or philosophical reasons.
3. Will the proposed rule affect the functioning of the family? No.
4. Will the proposed rule affect family earnings and family budget? No.
5. Will the proposed rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained the proposed rule? Yes.

#### **Poverty Impact Statement**

The proposed rule should not have any known or foreseeable impact on:

1. The effect on household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development.
3. The effect on employment and workforce development.
4. The effect on taxes and tax credits.
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

It is anticipated that the proposed rule will not have a significant adverse impact on small businesses as defined in the Small Business Protection Act.

#### **Provider Impact Statement**

The proposed rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments no later than Monday, July 25, 2022 to DeAnn Gruber, Bureau Director, Bureau of Infectious Diseases, Office of Public Health, 1450 Poydras St., Ste. 2136, New Orleans, LA, 70112 or faxed to (504) 568-7044.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary, ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Monday, July 11, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:00 am on Monday, July 25, 2022, in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 12, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to the Bienville Building's front security desk.

Joseph Kanter, MD, MPH  
State Health Officer  
and

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

Person  
Preparing  
Statement:

DeAnn Gruber

Dept.: Louisiana Department of Health

Phone:

504-568-7474

Office: Office of Public Health

Return  
Address:

1450 Poydras Street, Suite 2136  
New Orleans, LA 70112

Rule Title: Immunization Requirements LAC 51:170

Date Rule Takes Effect: Upon Promulgation

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS

The Office of Public Health (OPH) will incur \$426 SGF in expenses associated with the publication of this proposed rule change.

This proposed rule amends §701 of Chapter 7 of Title 51—Public Health Immunization Requirements. The proposed amendments remove the SARS-CoV-2 vaccine from the list of required vaccinations for school entry and attendance. This vaccine requirement was originally added through a rule change in September 2021. However, the requirement was never implemented in practice. Therefore, proposed rule change results in cost avoidance associated with the original program for the Medicaid program associated with reimbursing providers for administering vaccines to Medicaid patients.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES OR NON-GOVERNMENTAL GROUPS (Summary)

This rule change removes SARS-CoV-2 as a required vaccine for school attendance. The proposed rule will have no costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups because the vaccine requirement was not implemented in practice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT

The proposed rule will not impact competition or employment.

\_\_\_\_\_  
Signature of Agency Head or Designee

*Evan Brassard, Interim Deputy*  
\_\_\_\_\_  
Legislative Fiscal Officer or Designee *Fiscal Officer*

Kimberly Hood, JD, MPH  
Assistant Secretary, Office of Public Health  
Typed Name & Title of Agency Head or Designee  
06/07/2022

\_\_\_\_\_  
Date of Signature

*6/7/22*  
\_\_\_\_\_  
Date of Signature