AN ACT

To require that all children attending schools within the Federated States of Micronesia be immunized against communicable diseases to be identified in rules and regulations issued pursuant to authority vested hereby; to provide for exceptions to the requirements established hereby, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

Section 1. This title is known and may be cited as "The School Entry Immunization Act of the Federated States of Micronesia".

Section 2. Definitions. As used in this act, unless the context otherwise requires:

(1) "School" means a public, private, or parochial nursery school, day care center, child care facility, family care home, Head Start Program, kindergarten, or elementary or secondary school through grade twelve;

(2) "Department of Social Services" means that department within the executive branch of the Federated States of Micronesia which is responsible for health and education matters of the National Government;

(3) "Division of Health Services" means that department within the executive branch of each state government within the Federated States of Micronesia which is responsible for health matters within a respective state;

(4) "Emancipated child" means a minor child whose parents have impliedly or expressly surrendered the right to the care and custody of the child and renounced their parental duties without placing the child in the care and custody of a specific guardian.

Section 3. Immunization Prior to Attending School. Except as provided in Section 4 of this act, on or after January 1, 1981, no child shall attend any school within the Federated States of Micronesia unless such child shall have presented to an appropriate official of the school, a certificate of immunization against such communicable diseases as may be specified by the
Department of Social Services in accordance with the provisions of Section 5 of this act or, in lieu of the certification, a written request by one parent or guardian of the child or the emancipated child directing local health officials to administer to the child the required inoculation(s) or the first of the next required series of inoculations within thirty (30) days of the date of submission of the written request.

Section 4. Exemption.

(1) A child may be exempted from receiving the required immunization(s):

(a) Upon submission of a statement in writing from a licensed physician that present condition of the child is such that the required immunization(s) would endanger the life or health of the child; or

(b) Upon submission of a statement signed by one parent or guardian of the child or the emancipated child that the parent, guardian or child is an adherent to a religious belief which opposes immunizations; or that the parent, guardian or child holds personal beliefs in opposition to the concept of immunization against communicable diseases.

(2) The Department of Social Services may provide, by regulation, further exemptions based upon sound medical practice.

(3) A child may be provisionally admitted as a transfer student from one school to another without the submission of documentation otherwise required by this act provided that such documentation is submitted by the child's parent(s) or guardian(s) or the emancipated child no later than sixty (60) days from the date of said provisional admission. Failure to supply the required documentation within sixty (60) days of said provisional
admission shall be cause for the suspension of the child from school until such time as the required documentation is supplied.

Section 5. Immunization Rules and Regulations Authorized.

(1) The Department of Social Services shall promulgate and publish such rules and regulations as may be necessary for the effective implementation and administration of this act.

(2) Rules and regulations promulgated pursuant hereto shall include but not be limited to:

(a) The identification of each disease against which immunization is required;

(b) The manner and frequency of administration of each immunizing agent;

(c) The manner in which the schools shall report all incidences of non-compliance and other information needed for statistical purposes to the Department of Social Services and the respective Divisions of Health Services.

(3) All procedures relating to immunization required by rules and regulations promulgated pursuant hereto shall be consistent with recognized standard medical practices. The Department of Social Services is empowered to administer and enforce the immunization program established pursuant to this act and, in furtherance thereof, may issue notices of suspension from any school to those not in compliance.

(4) All rule making authority granted to the Department of Social Services under the provisions of this section is granted on the condition that the Congress of the Federated States of Micronesia reserves the power...
to amend or rescind any rule promulgated by the Department of Social Services.

Section 6. Certificate of Immunization.

(1) The Department of Social Services shall provide such official forms as may be necessary to certify the immunizations required pursuant to this act to the Director of each Division of Health Services, who shall distribute such forms to appropriate parties within the state. Any immunization record signed by a licensed physician, licensed nurse, or public health official, may be accepted as verification of immunization. All relevant information contained in such immunization record shall be transferred to an official certificate of immunization and verified to the fullest extent possible by an appropriate school official.

(2) Each school shall maintain on file an official certificate of immunization for each child enrolled therein. The official certificate of immunization shall be returned to the parent(s) or guardian(s) of each child, or the emancipated child, who is withdrawn, transferred, promoted out of, or who otherwise leaves the school. The school shall also include a copy of the said certificate with the child's school record when such records are forwarded to any school.

(3) The Department of Social Services or the Division of Health Services may examine, audit, and verify the records of immunizations maintained by each school within a state.

Section 7. Non-Compliance.

(1) Each child attending a school in the Federated States of Micronesia after January 1, 1981, shall be in compliance with the provisions of this act and rules and regulations issued pursuant hereto or be suspended
from school. Children enrolling for the first time in a school in the
Federated States of Micronesia after January 1, 1981, shall comply with
the provisions of this act and rules and regulations issued pursuant hereto
or be excluded from school.

(2) Prior to the suspension or exclusion of any child for failure
to comply with the provisions of this act, there shall be direct personal
notification by an appropriate school official to the child's parent(s)
or guardian(s) or to the emancipated child of non-compliance with this act,
and of the provisions of Sections 3 and 4 of this act. In the event of
suspension or exclusion, school officials shall notify the Department of
Social Services and the Division of Health Services. An agent of the
Division of Health Services shall then attempt to secure compliance with
this act, in order for the child to return to school expeditiously.

Section 8. Emergency Powers in the Event of an Epidemic. If at any
time there is, in the opinion of the Division of Health Services, danger
of an epidemic from any of the communicable diseases for which an immuni-
ization is required pursuant to the rules and regulations promulgated
pursuant to Section 5 of this act, exemptions or exceptions to the require-
ment of immunization against such disease may be disregarded and suspension
from school by the Division of Health Services is hereby authorized as a
means of lessening the danger of an epidemic. Such suspension shall remain
in effect no longer than is necessary, in accordance with accepted standard
medical practices.

Section 9. Grounds for Suspension, and Denial of Admission. Any
suspension or exclusion from admission for failure to comply with the
provisions of this act or rules and regulations issued pursuant hereto shall
not be recorded as a disciplinary action, but shall be noted in the child's
school record with all relevant information.

Section 10. Effective Date. This act shall become law upon approval
by the President of the Federated States of Micronesia, or upon its becoming
law without such approval.

August 6, 1980

Tosiwo Nakayama
President
Federated States of Micronesia