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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:

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

3 Section 2. Definitions. As used in this act, unless the context other-  
4 wise requires:

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

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

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

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

18 Section 3. Immunization Prior to Attending School. Except as provided  
19 in Section 4 of this act, on or after January 1, 1981, no child shall attend  
20 any school within the Federated States of Micronesia unless such child shall  
21 have presented to an appropriate official of the school, a certificate of  
22 immunization against such communicable diseases as may be specified by the

1 Department of Social Services in accordance with the provisions of Section 5  
2 of this act or, in lieu of the certification, a written request by one parent  
3 or guardian of the child or the emancipated child directing local health  
4 officials to administer to the child the required inoculation(s) or the first  
5 of the next required series of inoculations within thirty (30) days of the  
6 date of submission of the written request.

7 Section 4. Exemption.

8 (1) A child may be exempted from receiving the required immuni-  
9 zation(s):

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

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

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

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

1 admission shall be cause for the suspension of the child from school until  
2 such time as the required documentation is supplied.

3 Section 5. Immunization Rules and Regulations Authorized.

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

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

9 (a) The identification of each disease against which immuni-  
10 zation is required;

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

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

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

23 (4) All rule making authority granted to the Department of Social  
24 Services under the provisions of this section is granted on the condition  
25 that the Congress of the Federated States of Micronesia reserves the power

1 to amend or rescind any rule promulgated by the Department of Social Services.

2 Section 6. Certificate of Immunization.

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

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

19 (3) The Department of Social Services or the Division of Health  
20 Services may examine, audit, and verify the records of immunizations main-  
21 tained by each school within a state.

22 Section 7. Non-Compliance.

23 (1) Each child attending a school in the Federated States of  
24 Micronesia after January 1, 1981, shall be in compliance with the provisions  
25 of this act and rules and regulations issued pursuant hereto or be suspended

1 from school. Children enrolling for the first time in a school in the  
2 Federated States of Micronesia after January 1, 1981, shall comply with  
3 the provisions of this act and rules and regulations issued pursuant hereto  
4 or be excluded from school.

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

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

24 Section 9. Grounds for Suspension, and Denial of Admission. Any  
25 suspension or exclusion from admission for failure to comply with the

1 provisions of this act or rules and regulations issued pursuant hereto shall  
2 not be recorded as a disciplinary action, but shall be noted in the child's  
3 school record with all relevant information.

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

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August 6, 1980

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Tosiwo Nakayama  
President  
Federated States of Micronesia

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