


Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Immunization of School Students Act of 1979 to allow for electronic submission of immunization certifications by private physicians or the public health authorities and to require that eligible students in the District of Columbia receive a vaccination that is fully approved in the United States to prevent against COVID-19; and to amend Chapter 1 of Subtitle A of Title 5 of the District of Columbia Municipal Regulations to require all licensed Child Development Facilities to maintain a record of COVID-19 immunization for their staff.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Coronavirus Immunization of School Students and Early Childhood Workers Regulation Emergency Amendment Act of 2021”.

Sec. 2. The Immunization of School Students Act of 1979, effective September 28, 1979 (D.C. Law 3-20; D.C. Official Code § 38-501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-501) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

“(2A) The term “COVID-19” means the disease caused by the novel coronavirus SARS-CoV-2.”.

(2) Paragraph 8(A) is amended to read as follows:

36 “(A) A District of Columbia Public Schools school or a public charter school
37 serving any grades pre-K through 12;”.

38 (b) Section 3 (D.C. Official Code § 38-502) is amended as follows:

39 (1) Designate the undesignated text as subsection (a).

40 (2) A new subsection (b) is added to read as follows:

41 “(b) Beginning with School Year 2022-2023:

42 “(1) All certifications of immunization provided by a private physician shall
43 be submitted electronically to the public health authorities, which shall electronically transmit
44 the certifications of immunization to the student’s local education agency.

45 “(2) All certifications of immunization for a student provided by the public health
46 authorities shall be electronically transmitted to the student’s local education agency.”.

47 (c) A new section 3a is added to read as follows:

48 “Sec. 3a. Certification of COVID-19 immunization.

49 “(a)(1) Beginning March 1, 2022, and every school year thereafter, a responsible person
50 for a student shall be required to submit to the school to which the student is admitted or is
51 seeking admission:

52 “(A) A certification of COVID-19 immunization for the student; or

53 “(B) The documentation required pursuant to section 7 demonstrating that
54 the student is exempt from COVID-19 immunization.

55 “(2) No student shall be admitted by a school unless the school has certification of
56 COVID-19 immunization for that student, or unless the student is exempted pursuant to section
57 7; provided that this paragraph shall not be enforced until the start of School Year 2022-2023.

58 “(3) Sections 5 and 6 shall apply to a student for whom a school does not have a
59 certification of COVID-19 immunization; provided, that section 6 shall not be enforced with
60 respect to certification of COVID-19 immunization until the start of School Year 2022-2023.

61 “(b) Notwithstanding subsection (a) of this section, if a student has not attained an age for
62 which a COVID-19 vaccine is available, a responsible person for the student shall have 70 days
63 from the date the COVID-19 vaccine becomes available to the student, either by action of the
64 U.S. Food and Drug Administration or the occurrence of the student’s birthday, to submit
65 certification of COVID-19 immunization.

66 “(c) Electronic submission of a student’s certification of COVID-19 immunization by a
67 private physician or a public health authority in accordance with section 3(b) of this act shall
68 satisfy the requirement, in subsections (a) and (b) of this section, that a responsible person for the
69 student submit the certification.

70 “(d) For the purposes of this section the term:

71 “(1) “Certification of COVID-19 immunization” means written certification by a
72 private physician, his or her representative, or the public health authorities that the student has
73 received COVID-19 immunization, which may include a copy of the student’s Centers for
74 Disease Control and Prevention COVID-19 Vaccination Record Card reflecting COVID-19
75 immunization.

76 “(2) “COVID-19 immunization” means initial immunization and any boosters or
77 reimmunization required to maintain immunization against COVID-19, in accordance with the
78 immunization standards issued by the public health authorities pursuant to this chapter.

79 “(3) “COVID-19 vaccine” means a vaccine against COVID-19 for which the U.S.

80 Food and Drug Administration has granted full approval as opposed to emergency use
81 authorization.

82 “(4) “School” means:

83 “(A) A District of Columbia Public Schools school;

84 “(B) A public charter school; or

85 “(C) An independent, private, or parochial school serving any grades pre-
86 K through 12.

87 “(4) “Student” means an individual who is 3 years of age or older who seeks
88 admission to a school or for whom admission is sought by a responsible person.

89 (d) Section 4 (D.C. Official Code § 38-505) is amended by striking the period and
90 inserting the phrase “; provided, that the Mayor may not issue regulations that conflict with the
91 requirements of section 3a.”.

92 Sec. 3. Chapter 1 of Subtitle A of Title 5 of the District of Columbia Municipal
93 Regulations (5-A DCMR § 100 *et seq.*), is amended as follows:

94 (a) Section 137 (5-A DCMR § 137) is amended by adding a new subsection 137.5 to read
95 as follows:

96 “137.5 A Licensee shall maintain, and update at least annually, a record of COVID-19
97 immunization for each of its staff members, which shall consist of a written certification of
98 COVID-19 immunization or a written determination, with supporting documentation, that the
99 Licensee granted the staff member an exemption from COVID-19 immunization based on one of
100 the following reasons:

101 “(a) the staff member objected, in good faith and in writing pursuant to
102 procedures established by OSSE, that the vaccination would violate his or her sincerely held
103 religious beliefs; or

104 “(b) the staff member’s private physician, or his or her representative, or the
105 Department of Health has provided written certification that COVID-19 vaccination is medically
106 inadvisable for the staff member.”.

107 (b) Section 199.1 (5-A DCMR § 199.1) is amended as follows:

108 (1) The definition “Certification of COVID-19 immunization” is added to read as
109 follows:

110 ““Certification of COVID-19 immunization” -- written certification by a private
111 physician, his or her representative, or the public health authorities that an individual has
112 received COVID-19 immunization, which may include a copy of the individual’s Centers for
113 Disease Control and Prevention COVID-19 Vaccination Record Card reflecting COVID-19
114 immunization.”.

115 (2) The definition “COVID-19 immunization” is added to read as follows:

116 ““COVID-19 Immunization” -- initial immunization and any boosters or
117 reimmunization required to maintain immunization against the disease caused by the novel
118 coronavirus SARS-CoV-2 (COVID-19) in accordance with the immunization standards issued
119 by the public health authorities.”.

120 (3) The definition “public health authorities” is added to read as follows:

121 ““Public Health Authorities” -- the official or officials of the executive branch of
122 the government of the District of Columbia designated by the Mayor pursuant to the

123 Immunization of School Students Act of 1979, effective September 28, 1979 (D.C. Law 3-20;
124 D.C. Official Code § 38-501 *et seq.*)”.

125 Sec. 4. (a) Notwithstanding section 103 (a)(1)(C) of the Protecting Our Children
126 Emergency Amendment Act of 2021 (DC Act 24-190) and 103 (a)(1)(C) of the Protecting Our
127 Children Temporary Amendment Act of 2021 (DC Act 24-241) from November 15, 2021
128 through April 1, 2022, each school shall conduct weekly asymptomatic testing for the COVID-
129 19 virus of at least 20% of its students attending in-person learning.

130 (b) For the purposes of this section, the term:

131 (1) “DCPS” means District of Columbia Public Schools.

132 (2) “School” means a school in the DCPS system or an individual public charter
133 school.

134 Sec. 5. Fiscal impact statement.

135 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
136 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
137 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-307.47a).

138 Sec. 6. Effective date.

139 This act shall take effect following approval by the Mayor (or in the event of veto by the
140 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
141 90 days, as provided for emergency acts of the Council of the District of Columbia in section
142 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
143 D.C. Official Code § 1-204.12(a)).