DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 4 of the Immunization of School Students Act of 1979, effective September 28, 1979 (D.C. Law 3-20; D.C. Official Code § 38-503 (2012 Repl.)), Mayor's Order 2006-117, dated September 5, 2006, § 1 of An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408, ch. 601, § 1; D.C. Official Code § 7-131 (2012 Repl.)), and § 2 of Mayor's Order 98-141, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 1 (Protection of Public Health) of Title 22 (Health), Subtitle B (Public Health and Medicine), of the District of Columbia Municipal Regulations (DCMR).

These rules will clarify that religious exemptions and HPV opt-outs must be filed for each year they are claimed. The rule will also expand HPV immunization to include boys and all children from grade six (6) through grade twelve (12). Presently, only children through age 16 are required to be immunized.

A Notice of Emergency and Proposed Rulemaking was published October 31, 2014 at 61 DCR 11517. No comments were received in connection with publication of the Notice of Emergency and Proposed Rules, and no changes have been made since that publication. The Director took final rulemaking action to adopt the rules on December 10, 2014.

The rules shall become effective on publication of this Notice of Final Rulemaking in the *D.C. Register*.

Amend Chapter 1, PROTECTION OF PUBLIC HEALTH, of Title 22-B, PUBLIC HEALTH AND MEDICINE, of the DCMR as follows:

Section 129, IMMUNIZATION: REPORTS AND GENERAL PROVISIONS, is amended by adding a new Subsection 129.8 to read as follows:

129.8 A person claiming religious exemption from immunization for a child shall file the form at the beginning of each school year for each child for which the exemption is claimed. A person electing to opt-out of immunization with the HPV vaccination for a child shall file the form at the beginning of each school year for each child for which there is an opt-out to be filed.

Section 146, HUMAN PAPILLOMAVIRUS (HPV), Subsection 146.1, is amended to read as follows:

146.1 Beginning with the 2014/2015 school year, a student enrolling in grade six (6) shall receive the first dose of HPV vaccine at age eleven (11). Students enrolling in grades seven (7) through twelve (12) who have not previously been

immunized for HPV shall receive the vaccine before enrollment or provide an opt-out form, as provided in § 146.4.

Subsection 146.4 is amended to read as follows:

146.4 The parent or legal guardian of a student required to receive a vaccine under this section may opt out of the vaccination for any reason by signing a form provided by the Department that states that the parent or legal guardian has been informed of the HPV vaccination requirement and has elected not to participate. A student eighteen (18) years of age or older may opt out on his or her own behalf by signing a form provided by the Department that states that the student has been informed of the HPV vaccination requirement and has elected not to participate.