

AN ACT
D.C. ACT 24-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 12, 2022

To amend the Immunization of School Students Act of 1979 to allow for electronic submission of immunization certifications by a healthcare professional authorized to administer a vaccine 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 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) Paragraph (2) is amended by striking the phrase “private physician” and inserting the phrase “healthcare professional authorized to administer a vaccine” in its place.

(2) 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.”

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

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

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

(1) Designate the existing text as subsection (a).

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

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

“(1) All certifications of immunization provided by a healthcare professional authorized to administer a vaccine shall be submitted electronically to the public health

authorities, which shall electronically transmit the certifications of immunization to the student's local education agency.

"(2) All certifications of immunization for a student provided by the public health authorities shall be electronically transmitted to the student's local education agency."

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

"Sec. 3a. Certification of COVID-19 immunization.

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

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

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

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

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

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

"(c) Electronic submission of a student's certification of COVID-19 immunization by a healthcare professional authorized to administer a vaccine or a public health authority in accordance with section 3(b) shall satisfy the requirement, in subsections (a) and (b) of this section, that a responsible person for the student submit the certification.

"(d) For the purposes of this section the term:

"(1) "Certification of COVID-19 immunization" means written certification by a healthcare professional authorized to administer a vaccine, his or her representative, or the public health authorities that the student has received COVID-19 immunization, which may include a copy of the student's Centers for Disease Control and Prevention COVID-19 Vaccination Record Card reflecting COVID-19 immunization.

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

"(3) "COVID-19 vaccine" means a vaccine against COVID-19 for which the U.S. Food and Drug Administration has granted full approval as opposed to emergency use authorization.

“(4) “School” means:

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

“(B) A public charter school; or

“(C) An independent, private, or parochial school serving any grades pre-

K through 12.

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

(d) Section 4 (D.C. Official Code § 38-503) is amended by striking the period and inserting the phrase “; provided, that the Mayor may not issue regulations that conflict with the requirements of section 3a.” in its place.

(e) Section 5(a)(3) (D.C. Official Code § 38-506(a)(3)) is amended by striking the phrase “private physician” and inserting the phrase “healthcare professional authorized to administer a vaccine” in its place.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 12, 2022



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. B24-0423

ITEM ON CONSENT CALENDAR

ACTION

First Reading

VOTE DATE

December 7, 2021

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT


Gray

ROLL CALL VOTE – Result

Approved

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White		X			
Cheh	X					Nadeau	X										
Gray				X		Pinto	X										
X - Indicate Vote			AB – Absent			NV - Present, Not Voting			Rec - Recused								

CERTIFICATION RECORD

 FOR NYASHA SMITH
 Secretary to the Council

12/29/2021
 Date

Docket No. B24-0423

ITEM ON CONSENT CALENDAR

ACTION

Final Reading

VOTE DATE

December 21, 2021

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

Gray

ROLL CALL VOTE – Result

Approved

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White		X			
Cheh	X					Nadeau	X										
Gray				X		Pinto	X										
X - Indicate Vote			AB – Absent			NV - Present, Not Voting			Rec - Recused								

CERTIFICATION RECORD

 FOR NYASHA SMITH
 Secretary to the Council

12/29/2021
 Date