



Public Health Act

VACCINATION STATUS
REPORTING REGULATION

B.C. Reg. 146/2019

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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

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This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

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Definitions

1 In this regulation:

“**Act**” means the *Public Health Act*;

“**authorized health professional**” means the following:

- (a) a medical practitioner;
- (b) a nurse practitioner;
- (c) a health authority nurse;

“**BC Centre for Disease Control**” means the program of the Provincial Health Services Authority known as the British Columbia Centre for Disease Control;

“**guardian**” means the following:

- (a) a guardian within the meaning of the *Family Law Act* and a person authorized under section 43 (2) of that Act to make health care decisions for a child;
- (b) a personal guardian within the meaning of the *Infants Act*;
- (c) a director, or another person other than a parent, who
 - (i) has care or custody of a child under the *Child, Family and Community Service Act*, and
 - (ii) is authorized to make health care decisions for the child;
- (d) a director who has sole personal guardianship of a child under section 24 of the *Adoption Act*;
- (e) in respect of a student who is an adult, any of the following persons who are authorized to make health care decisions for the student:
 - (i) a committee appointed under the *Patients Property Act*;
 - (ii) a representative acting under the *Representation Agreement Act*;
 - (iii) a person chosen under section 16 of the *Health Care (Consent) and Care Facility (Admission) Act*;

“**health authority nurse**” means an employee of a health authority who is authorized under the *Health Professions Act* to use the title “registered nurse”;

“**health care decision**” means a decision to give, refuse or withdraw consent to medical, dental and other health-related treatments, including preventive measures;

“**scheduled vaccine**” means a vaccine that is included under section 2 [*scheduled vaccines*] for the purposes of this regulation;

“**school**” means a school, a francophone school or a Provincial school within the meaning of the *School Act* and an independent school within the meaning of the *Independent School Act*, except a school operated

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- (a) by a participating First Nation within the meaning of, or by a Community Education Authority established under, the *First Nations Jurisdiction over Education in British Columbia Act* (Canada),
- (b) on a reserve within the meaning of the *Indian Act* (Canada), or
- (c) by a treaty first nation or the Nisga'a Nation;

“**school year**” has the same meaning as in the *School Act*;

“**student**” means a person who is

- (a) enrolled in an educational program provided through a school, other than a person who is receiving an educational program while committed to custody in a youth custody centre within the meaning of the *Youth Justice Act*, or
- (b) registered under section 13 of the *School Act* with a school;

“**vaccination status report**” means a report that includes the content required under section 6 [*content of vaccination status report*].

Scheduled vaccines

- 2** (1) Unless subsection (2) applies, a vaccine is included as a scheduled vaccine for the purposes of this regulation if both of the following conditions are met:
- (a) the vaccine is listed in one of the following schedules produced by the BC Centre for Disease Control:
 - (i) the B.C. Immunization Schedule for Infants and Children;
 - (ii) the B.C. Immunization Schedule for School Age Children;
 - (b) the schedules referred to in paragraph (a) of this subsection, including any amendments, are approved under subsection (3).
- (2) A vaccine is not included as a scheduled vaccine, regardless of whether the vaccine is listed on a schedule referred to in subsection (1) (a), if the sole purpose of the vaccine is to protect against an infectious agent specified by order of the provincial health officer.
- (3) The provincial health officer may by order do one or more of the following:
- (a) approve a schedule referred to in subsection (1) (a);
 - (b) approve an amendment to a schedule referred to in subsection (1) (a);
 - (c) specify an infectious agent for the purposes of subsection (2).

Vaccination status prescribed as reportable

- 3** The extent to which a student has been vaccinated with a scheduled vaccine is prescribed as a matter affecting health promotion and health protection for the purposes of section 12 [*mandatory reporting for other public health purposes*] of the Act.

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If student is an adult

- 4 Unless the student has a guardian, a student who is an adult must comply on the student's own behalf with a guardian's responsibilities under this regulation.

Guardian's duty to report

- 5 (1) A medical health officer may require a student's guardian to provide one or both of the following to the medical health officer or a person specified in writing by the medical health officer:
- (a) a vaccination status report with respect to the student;
 - (b) proof of the student's vaccination with a scheduled vaccine.
- (2) A student's guardian must comply with a requirement under subsection (1) in the form and manner and by the date required by the medical health officer.

Content of vaccination status report

- 6 A guardian must ensure that a vaccination status report made in respect of a student includes all of the following that apply:
- (a) the student's name, date of birth and personal health number;
 - (b) the name and contact information of the student's guardian;
 - (c) the name of the school the student is attending, or will attend, in the current school year;
 - (d) a statement, signed and dated by the student's guardian, indicating
 - (i) the scheduled vaccines with which the student has been vaccinated, and
 - (ii) the date of vaccination, if known;
 - (e) if the student has not been vaccinated with a scheduled vaccine, a statement,
 - (i) signed and dated by an authorized health professional, advising against vaccinating the student with the scheduled vaccine because of a medical contraindication, or
 - (ii) signed and dated by the student's guardian, confirming that the student will not be vaccinated with the scheduled vaccine and providing the reasons for non-vaccination.

If student not vaccinated

- 7 (1) If a student has not been vaccinated with a scheduled vaccine because of a medical contraindication, a medical health officer may
- (a) confirm, in writing, that the student will not be vaccinated due to the medical contraindication, or
 - (b) refuse to confirm the non-vaccination of the student.
- (2) A medical health officer may require the student's guardian and the student to complete an information session if

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- (a) a statement of non-vaccination is made under section 6 (e) (ii) [*content of vaccination status report*], or
 - (b) confirmation is refused under subsection (1) (b) of this section.
- (3) If completion of an information session is required under subsection (2),
- (a) the student's guardian and the student must together
 - (i) complete the session in the manner and by the date required by the medical health officer, and
 - (ii) after completing the session, meet with a medical health officer or health authority nurse by the date required by the medical health officer, and
 - (b) the medical health officer or health authority nurse who meets with the student's guardian and the student must sign a statement confirming that the student
 - (i) was vaccinated with the scheduled vaccine after completing the information session, or
 - (ii) will not be vaccinated and providing the reasons for non-vaccination.

[am. B.C. Reg. 146/2019, Sch. 2, s. 1.]

Deemed non-vaccination

- 8** (1) For the purpose of taking an action under the Act or the *School Act* in respect of a communicable disease that is preventable by a scheduled vaccine, a student is deemed not to have been vaccinated with the scheduled vaccine if any of the following circumstances apply:
- (a) a vaccination status report or proof of vaccination with respect to that scheduled vaccine is not provided as required under section 5 [*guardian's duty to report*];
 - (b) a vaccination status report is provided as required but
 - (i) does not meet a requirement of section 6 [*content of vaccination status report*] in respect of that scheduled vaccine, or
 - (ii) is incomplete with respect to, or otherwise fails to address, that scheduled vaccine;
 - (c) a medical health officer refuses to confirm the student's non-vaccination with that scheduled vaccine under section 7 (1) (b) [*if student not vaccinated*];
 - (d) the student's guardian or the student did not comply with a requirement under section 7 (3) (a).
- (2) A person who contravenes section 5 (2), 6, 7 (3) (a) or 9 (1) commits an offence.

[am. B.C. Reg. 146/2019, Sch. 2, s. 2.]

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Duty to forward vaccination status report and proof

- 9** (1) A person other than a medical health officer who receives a vaccination status report or proof of vaccination under section 5 [*guardian's duty to report*] must forward the report or proof to a medical health officer as follows:
- (a) unless paragraph (b) applies, within 30 days of receiving the report or proof;
 - (b) promptly on request of a medical health officer.
- (2) A medical health officer may make a request under subsection (1) (b) if the medical health officer has reason to believe that a student may recently have been, or may be at immediate risk of being, exposed to a communicable disease that is preventable by a scheduled vaccine.
- (3) A vaccination status report and proof must be provided to a medical health officer in the form and manner required by the medical health officer.

Duty to protect personal information

- 10** A person who receives a vaccination status report or proof of vaccination under section 5 [*guardian's duty to report*] must ensure all of the following while the report or proof is in the person's possession:
- (a) that the report or proof is stored securely;
 - (b) that, if the report or proof
 - (i) is not in electronic form, the report or proof is not copied, modified, destroyed or lost, and
 - (ii) is in a sealed envelope, the envelope is not then unsealed.

Disclosure of report by medical health officer

- 11** A medical health officer who receives a vaccination status report
- (a) must, for a purpose set out in section 9 (1) (e), (f), (g) or (h) [*purposes for collection, use and disclosure of personal information*] of the Act, disclose the report to
 - (i) the provincial health officer, and
 - (ii) the executive medical director of the BC Centre for Disease Control, and
 - (b) may, for a purpose set out in section 9 (1) (a), (b), (e), (f), (g) or (h) of the Act, disclose all or part of the report to any medical health officer designated for the geographic area in which the student who is the subject of the report resides or is a student.