

A Review of Kansas Immunization Statutes*

Statute	Title	Description
KSA 38-135	Definitions; immunization of minor children.	Defines key terms such as "health care provider" and "parent". Health care providers in KS include licensed physicians, registered nurses, nurse practitioners, and physician assistants. A parent is a minor's parent by birth or adoption, a legal guardian, or any person who has authority under a court order to give consent for a minor.
KSA 38-136	Immunization of minor children; written delegation of consent by parent.	A parent may delegate their authority to consent to the immunization of their child in writing to others such as grandparents, aunts, uncles, and adult siblings.
KSA 38-137	Same; consent for immunization by person other than parent,	Another person can give consent to immunize a minor when the parent is not reasonably available.
KSA 38-138	Health care provider to provide information to person consenting to immunization.	The health care provider who is administering the vaccine should provide the same information to the person who is giving consent, as if this person were the child's parent.
KSA 38-139	Health care provider has immunity if relying on consent.	A health care provider is not liable for relying on patient information that leads to adverse reactions or damages when they administer a vaccine.
KSA 38-140	Consent to immunize under K.S.A. 38-1513 or 38-1614 not affected.	The provisions of K.S.A. 38-135 through 38-140 should not affect the authority to give consent to immunize a minor.
KSA 39-7,129	Same; compliance with child immunization and vaccination requirements for continuing eligibility for aid.	The secretary of social and rehabilitation services can adjust program requirements for aid so that families must comply with vaccination and immunization of children (in specific cases) to be eligible for aid.
KSA 40-2,102	Coverage for newly born and adopted children; coverage for immunizations; notification of birth or adoption; mandatory option to cover delivery expenses of birth mother of adopted child.	Routine and necessary immunizations for all newborn children of the insured or subscriber are listed. The insurer will provide coverage for immunizations for children from birth to 72 months of age. Insurers cannot apply deductibles, co-payments or coinsurance requirements to the immunizations.
KSA 65-1635a	Administration of vaccine; education and reporting requirements; delegation of authority prohibited.	Health care providers can administer vaccines to children. Pharmacists can only administer vaccines to adults 18 years of age and older. When adults receive vaccines from pharmacists, they are given a written record of the immunization. The pharmacist reports the immunization to the patient's primary care provider. If the patient does not have a primary care provider, the pharmacist reports the immunization to the county or state immunization registry.
KSA 65-508	Equipment, supplies, accommodations; immunizations.	Children cared for in a child care facility must have all routine immunizations as specified by Kansas law unless it will endanger the child's life (as stated by a physician) or the parent or guardian is opposed to immunization due to religious beliefs.

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KSA 65-519	Certificate of registration; conditions; application for; immunizations; renewal; fees.	The person maintaining the child care facility must maintain each child's immunization record and provide it to the secretary of health in accordance to rules and regulations.
KSA 65-531	Immunization information and records; disclosure.	Information and records which pertain to the immunization status of people against childhood diseases may be disclosed without a parent's or guardian's written release authorizing such disclosure to: employees of public agencies or departments, health records staff of child care facilities, persons other than public employees who are entrusted with the regular care of those under the care and custody of a state agency, and health care professionals. Religious objections to immunization cannot be disclosed without written consent from the parent or guardian.
KSA 72-5208	Health tests and inoculations; definitions.	Definitions for key terms such as: "school board", "school", "local health department", "physician", and "secretary" are provided.
KSA 72-5209	Same; certification of completion required, alternatives; duties of school boards.	Children must provide information about their immunizations or a written statement by their parent/guardian indicating a religious exemption when they enroll in school for the first time in KS.
KSA 72-5210	Same; duties of public health departments and officers; fees, exception to payment	Health departments should use available funds to provide tests and immunizations for students if the those test are not provided by the students' parents/guardian. These tests and immunizations can be provided on a sliding fee scale for administrative charges with the exception that no child may be denied inoculations for inability to pay an administrative fee.
KSA 72-5211	Duties of secretary	Schools shall utilize the reporting form adopted by the secretary for documentation of all immunizations.
KSA 72-5211 a	Exclusion of pupils from school attendance; adoption of policy; notice; hearing; compulsory attendance law not applicable.	A school board may exclude a student from all school activities if they have not received their childhood immunization or received an exemption based on KSA 72-5209.

*The statute descriptions provide an overview of the immunization laws, but do not represent the official language or legal interpretation of each statute.