

SENATE BILL No. 67

By Committee on Public Health and Welfare

1-24

1 AN ACT concerning public health; relating to exemptions from the
2 administration of vaccinations; amending K.S.A. 72-5209 and K.S.A.
3 2012 Supp. 65-508 and repealing the existing sections.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 65-508 is hereby amended to read as
7 follows: 65-508. (a) Any maternity center or child care facility subject to
8 the provisions of this act shall: (1) Be properly heated, plumbed, lighted
9 and ventilated; (2) have plumbing, water and sewerage systems which
10 conform to all applicable state and local laws; and (3) be operated with
11 strict regard to the health, safety and welfare of any woman or child.

12 (b) Every maternity center or child care facility shall furnish or cause
13 to be furnished for the use of each resident and employee individual towel,
14 wash cloth, comb and individual drinking cup or sanitary bubbling
15 fountain, and toothbrushes for all other than infants, and shall keep or
16 require such articles to be kept at all times in a clean and sanitary
17 condition. Every maternity center or child care facility shall comply with
18 all applicable fire codes and rules and regulations of the state fire marshal.

19 (c) (1) The secretary of health and environment with the cooperation
20 of the secretary of social and rehabilitation services shall develop and
21 adopt rules and regulations for the operation and maintenance of maternity
22 centers and child care facilities. The rules and regulations for operating
23 and maintaining maternity centers and child care facilities shall be
24 designed to promote the health, safety and welfare of any woman or child
25 served in such facilities by ensuring safe and adequate physical
26 surroundings, healthful food, adequate handwashing, safe storage of toxic
27 substances and hazardous chemicals, sanitary diapering and toileting,
28 home sanitation, supervision and care of the residents by capable, qualified
29 persons of sufficient number, after hour care, an adequate program of
30 activities and services, sudden infant death syndrome and safe sleep
31 practices training, prohibition on corporal punishment, crib safety,
32 protection from electrical hazards, protection from swimming pools and
33 other water sources, fire drills, emergency plans, safety of outdoor
34 playground surfaces, door locks, safety gates and transportation and such
35 appropriate parental participation as may be feasible under the
36 circumstances. Boarding schools are excluded from requirements

1 regarding the number of qualified persons who must supervise and provide
2 care to residents.

3 (2) Rules and regulations developed under this subsection shall
4 include provisions for the competent supervision and care of children in
5 day care facilities. For purposes of such rules and regulations, competent
6 supervision as this term relates to children less than five years of age
7 includes, but is not limited to, direction of activities, adequate oversight
8 including sight or sound monitoring, or both, physical proximity to
9 children, diapering and toileting practices; and for all children, competent
10 supervision includes, but is not limited to, planning and supervision of
11 daily activities, safe sleep practices, including, but not limited to, visual or
12 sound monitoring, periodic checking, emergency response procedures and
13 drills, illness and injury response procedures, food service preparation and
14 sanitation, playground supervision, pool and water safety practices.

15 (d) Each child cared for in a child care facility, including children of
16 the person maintaining the facility, shall be required to have current such
17 immunizations as the secretary of health and environment considers
18 necessary. The person maintaining a child care facility shall maintain a
19 record of each child's immunizations and shall provide to the secretary of
20 health and environment such information relating thereto, in accordance
21 with rules and regulations of the secretary, but the person maintaining a
22 child care facility shall not have such person's license revoked solely for
23 the failure to have or to maintain the immunization records required by
24 this subsection.

25 (e) The immunization requirement of subsection (d) shall not apply if
26 one of the following is obtained:

27 (1) Certification from a licensed physician stating that the physical
28 condition of the child is such that immunization would endanger the child's
29 life or health; ~~or~~

30 (2) a written statement signed by a parent or guardian that the parent
31 or guardian is an adherent of a religious denomination whose teachings are
32 opposed to immunizations; *or*

33 (3) *a written statement signed by a parent or guardian of the child*
34 *that the parent or guardian of the child declines such inoculations for*
35 *reasons of conscience or personal beliefs.*

36 Sec. 2. K.S.A. 72-5209 is hereby amended to read as follows: 72-
37 5209. (a) In each school year, every pupil enrolling or enrolled in any
38 school for the first time in this state, and each child enrolling or enrolled
39 for the first time in a preschool or day care program operated by a school,
40 and such other pupils as may be designated by the secretary, prior to
41 admission to and attendance at school, shall present to the appropriate
42 school board certification from a physician or local health department that
43 the pupil has received such tests and inoculations as are deemed necessary

1 by the secretary by such means as are approved by the secretary. Pupils
2 who have not completed the required inoculations may enroll or remain
3 enrolled while completing the required inoculations if a physician or local
4 health department certifies that the pupil has received the most recent
5 appropriate inoculations in all required series. Failure to timely complete
6 all required series shall be deemed non-compliance.

7 (b) As an alternative to the certification required under subsection (a),
8 a pupil shall present:

9 (1) An annual written statement signed by a licensed physician stating
10 the physical condition of the child to be such that the tests or inoculations
11 would seriously endanger the life or health of the child; ~~or;~~

12 (2) a written statement signed by one parent or guardian that the child
13 is an adherent of a religious denomination whose religious teachings are
14 opposed to such tests or inoculations; *or*

15 (3) *a written statement signed by a parent or guardian of the child*
16 *that the parent or guardian of the child declines such inoculations for*
17 *reasons of conscience or personal beliefs.*

18 (c) On or before May 15 of each school year, the school board of
19 every school affected by this act shall notify the parents or guardians of all
20 known pupils who are enrolled or who will be enrolling in the school of
21 the provisions this act and any policy regarding the implementation of the
22 provisions of this act adopted by the school board.

23 (d) If a pupil transfers from one school to another, the school from
24 which the pupil transfers shall forward with the pupil's transcript the
25 certification or statement showing evidence of compliance with the
26 requirements of this act to the school to which the pupil transfers.

27 Sec. 3. K.S.A. 72-5209 and K.S.A. 2012 Supp. 65-508 are hereby
28 repealed.

29 Sec. 4. This act shall take effect and be in force from and after its
30 publication in the statute book.