

HOUSE BILL No. 2601

By Committee on Education

2-10

1 AN ACT concerning education; relating to childhood immunizations
2 required for child care facility and school attendance; amending K.S.A.
3 65-508 and 72-6262 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 65-508 is hereby amended to read as follows: 65-
7 508. (a) Any maternity center or child care facility subject to the
8 provisions of this act shall: (1) Be properly heated, plumbed, lighted and
9 ventilated; (2) have plumbing, water and sewerage systems ~~which~~ *that*
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 for children and families shall develop and adopt rules and
21 regulations for the operation and maintenance of maternity centers and
22 child care facilities. The rules and regulations for operating and
23 maintaining maternity centers and child care facilities shall be designed to
24 promote the health, safety and welfare of any woman or child served in
25 such facilities by ensuring safe and adequate physical surroundings,
26 healthful food, adequate handwashing, safe storage of toxic substances and
27 hazardous chemicals, sanitary diapering and toileting, home sanitation,
28 supervision and care of the residents by capable, qualified persons of
29 sufficient number, after-hour care, an adequate program of activities and
30 services, sudden infant death syndrome and safe sleep practices training,
31 prohibition on corporal punishment, crib safety, protection from electrical
32 hazards, protection from swimming pools and other water sources, fire
33 drills, emergency plans, safety of outdoor playground surfaces, door locks,
34 safety gates and transportation and such appropriate parental participation
35 as may be feasible under the circumstances. Boarding schools are excluded
36 from requirements regarding the number of qualified persons who must

1 supervise and provide care to residents.

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

14 (d) In addition to any rules and regulations adopted under this section
15 for safe sleep practices, child care facilities shall ensure that all of the
16 following requirements are met for children under 12 months of age:

17 (1) A child shall only be placed to sleep on a surface and in an area
18 that has been approved for use as such by the secretary of health and
19 environment;

20 (2) the sleep surface shall be free from soft or loose bedding,
21 including, but not limited to, blankets, bumpers and pillows; and

22 (3) the sleep surface shall be free from toys, including mobiles and
23 other types of play equipment or devices.

24 (e) Child care facilities shall ensure that children over 12 months of
25 age only be placed to sleep on a surface and in an area that has been
26 approved for use as such by the secretary of health and environment.

27 (f) The secretary of health and environment may exercise discretion
28 to make exceptions to requirements in subsections (d) and (e) where
29 special health needs exist.

30 (g) Each child cared for in a child care facility, including children of
31 the person maintaining the facility, shall be required to have current such
32 immunizations as *specified in subsection (h), or as* the secretary of health
33 and environment considers necessary *pursuant to subsection (i)*. The
34 person maintaining a child care facility shall maintain a record of each
35 child's immunizations and shall provide to the secretary of health and
36 environment such information relating thereto, in accordance with rules
37 and regulations of the secretary, but the person maintaining a child care
38 facility shall not have such person's license revoked solely for the failure
39 to have or to maintain the immunization records required by this
40 subsection.

41 (h) *Except as provided in subsection (j), the following immunizations*
42 *are required for each child cared for in a child care facility pursuant to*
43 *subsection (g):*

- 1 (1) *Diphtheria*;
- 2 (2) *hepatitis A*;
- 3 (3) *hepatitis B*;
- 4 (4) *measles (rubeola)*;
- 5 (5) *meningitis*;
- 6 (6) *mumps*;
- 7 (7) *pertussis (whooping cough)*;
- 8 (8) *poliomyelitis*;
- 9 (9) *rubella (German measles)*;
- 10 (10) *tetanus*; and
- 11 (11) *varicella (chicken pox)*.

12 (i) *The secretary may deem an immunization not specified in*
 13 *subsection (h) as necessary, and such immunization shall be required for*
 14 *each child cared for in a child care facility in accordance with this section,*
 15 *if the secretary, in adopting rules and regulations to require such*
 16 *immunizations, finds there is an imminent hazard to the public safety, and*
 17 *such rules and regulations specify that such rules and regulations expire*
 18 *on July 1 of the following calendar year after adoption.*

19 (j) *The secretary may deem any immunization specified in subsection*
 20 *(h) or required pursuant to subsection (i) as no longer required if the*
 21 *secretary determines that such immunization is not necessary or is unsafe.*

22 (k) The immunization requirement of subsection (g) shall not apply if
 23 one of the following is obtained:

24 (1) Certification from a licensed physician stating that the physical
 25 condition of the child is such that immunization would endanger the child's
 26 life or health; or

27 (2) a written statement signed by a parent or guardian that the parent
 28 or guardian is an adherent of a religious denomination whose teachings are
 29 opposed to immunizations.

30 Sec. 2. K.S.A. 72-6262 is hereby amended to read as follows: 72-
 31 6262. (a) In each school year, every ~~pupil~~ *student* enrolling or enrolled in
 32 any school for the first time in this state, and each child enrolling or
 33 enrolled for the first time in a preschool or day care program operated by a
 34 school, and such other ~~pupils~~ *students* as may be designated by the
 35 secretary, prior to admission to and attendance at school, shall present to
 36 the appropriate school board certification from a physician or local health
 37 department that the ~~pupil~~ *student* has received such tests *as are deemed*
 38 *necessary by the secretary by such means as are approved by the*
 39 *secretary, and ~~inoculations~~ such immunizations as ~~are~~ specified in*
 40 *subsection (b) or that are deemed necessary by the secretary ~~by such~~*
 41 *~~means as are approved by the secretary pursuant to subsection (c).~~ Pupils*
 42 *Students who have not completed the required ~~inoculations~~ immunizations*
 43 *may enroll or remain enrolled while completing the required ~~inoculations~~*

1 immunizations if a physician or local health department certifies that the
 2 ~~pupil~~ student has received the most recent, appropriate ~~inoculations~~
 3 immunizations in all required series. Failure to timely complete all
 4 required series shall be deemed non-compliance.

5 (b) *Except as provided in subsection (d), the following immunizations*
 6 *are required for school attendance pursuant to subsection (a):*

- 7 (1) *Diphtheria;*
- 8 (2) *hepatitis A;*
- 9 (3) *hepatitis B;*
- 10 (4) *measles (rubeola);*
- 11 (5) *meningitis;*
- 12 (6) *mumps;*
- 13 (7) *pertussis (whooping cough);*
- 14 (8) *poliomyelitis;*
- 15 (9) *rubella (German measles);*
- 16 (10) *tetanus; and*
- 17 (11) *varicella (chicken pox).*

18 (c) *The secretary may deem an immunization not specified in*
 19 *subsection (b) as necessary, and such immunization shall be required for*
 20 *school attendance in accordance with this section, if the secretary, in*
 21 *adopting rules and regulations to require such immunization for school*
 22 *attendance, finds there is an imminent hazard to the public safety, and*
 23 *such rules and regulations specify that such rules and regulations expire*
 24 *on July 1 of the following calendar year after adoption.*

25 (d) *The secretary may deem any immunization specified in subsection*
 26 *(b) or required pursuant to subsection (c) as no longer required for school*
 27 *attendance if the secretary determines that such immunization is not*
 28 *necessary for school attendance or is unsafe.*

29 (e) *As an alternative to the certification required under subsection (a),*
 30 *a ~~pupil~~ student shall present:*

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

34 (2) *a written statement signed by one parent or guardian that the child*
 35 *is an adherent of a religious denomination whose religious teachings are*
 36 *opposed to such tests or ~~inoculations~~ immunizations.*

37 (e)(f) *On or before May 15 of each school year, the school board of*
 38 *every school affected by this act shall notify the parents or guardians of all*
 39 *known ~~pupils~~ students who are enrolled or who will be enrolling in the*
 40 *school of the provisions this act and any policy regarding the*
 41 *implementation of the provisions of this act adopted by the school board.*

42 (d)(g) *If a ~~pupil~~ student transfers from one school to another, the*
 43 *school from which the ~~pupil~~ student transfers shall forward with the ~~pupil's~~*

1 *student's* transcript the certification or statement showing evidence of
2 compliance with the requirements of this act to the school to which the
3 ~~pup~~ *student* transfers.

4 Sec. 3. K.S.A. 65-508 and 72-6262 are hereby repealed.

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