

**SENATE BILL No. 212**

By Senator Steffen

2-10

1 AN ACT concerning public health; relating to childhood immunizations  
2 required for attendance at a child care facility or school; relating to the  
3 department of health and environment; powers of the secretary;  
4 amending K.S.A. 65-508 and 72-6262 and repealing the existing  
5 sections.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 65-508 is hereby amended to read as follows: 65-  
9 508. (a) Any maternity center or child care facility subject to the  
10 provisions of this act shall:

11 (1) Be properly heated, plumbed, lighted and ventilated;

12 (2) have plumbing, water and sewerage systems ~~which~~ *that* conform to  
13 all applicable state and local laws; and

14 (3) be operated with strict regard to the health, safety and welfare of  
15 any woman or child.

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

23 (c) (1) The secretary of health and environment with the cooperation  
24 of the secretary for children and families shall develop and adopt rules and  
25 regulations for the operation and maintenance of maternity centers and  
26 child care facilities. The rules and regulations for operating and  
27 maintaining maternity centers and child care facilities shall be designed to  
28 promote the health, safety and welfare of any woman or child served in  
29 such facilities by ensuring safe and adequate physical surroundings,  
30 healthful food, adequate handwashing, safe storage of toxic substances and  
31 hazardous chemicals, sanitary diapering and toileting, home sanitation,  
32 supervision and care of the residents by capable, qualified persons of  
33 sufficient number, after-hour care, an adequate program of activities and  
34 services, sudden infant death syndrome and safe sleep practices training,  
35 prohibition on corporal punishment, crib safety, protection from electrical  
36 hazards, protection from swimming pools and other water sources, fire

1 drills, emergency plans, safety of outdoor playground surfaces, door locks,  
2 safety gates and transportation and such appropriate parental participation  
3 as may be feasible under the circumstances. Boarding schools are excluded  
4 from requirements regarding the number of qualified persons who must  
5 supervise and provide care to residents.

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

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

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

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

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

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

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

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

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

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

15 (i) *The secretary may deem any immunization specified in subsection*  
 16 *(h) as no longer required if the secretary determines that such*  
 17 *immunization is not necessary or is unsafe.*

18 (j) *The immunization requirement of subsection (g) shall not apply if*  
 19 *one of the following is obtained:*

20 (1) *Certification from a licensed physician stating that the physical*  
 21 *condition of the child is such that immunization would endanger the child's*  
 22 *life or health; or*

23 (2) *a written statement signed by a parent or guardian that the parent*  
 24 *or guardian is an adherent of a religious denomination whose teachings are*  
 25 *opposed to immunizations.*

26 Sec. 2. K.S.A. 72-6262 is hereby amended to read as follows: 72-  
 27 6262. (a) In each school year, every ~~pupil~~ *student* enrolling or enrolled in  
 28 any school for the first time in this state, and each child enrolling or  
 29 enrolled for the first time in a preschool or day care program operated by a  
 30 school, and such other ~~pupils~~ *students* as may be designated by the  
 31 secretary, prior to admission to and attendance at school, shall present to  
 32 the appropriate school board certification from a physician or local health  
 33 department that the ~~pupil~~ *student* has received such tests *deemed*  
 34 *necessary by the secretary by such means as are approved by the*  
 35 *secretary, and inoculations such immunizations as* ~~are specified in~~  
 36 ~~subsection (b) deemed necessary by the secretary by such means as are~~  
 37 ~~approved by the secretary.~~ *Pupils* ~~Students~~ who have not completed the  
 38 required ~~inoculations~~ *immunizations* may enroll or remain enrolled while  
 39 completing the required ~~inoculations~~ *immunizations* if a physician or local  
 40 health department certifies that the ~~pupil~~ *student* has received the most  
 41 recent, appropriate ~~inoculations~~ *immunizations* in all required series.  
 42 Failure to timely complete all required series shall be deemed non-  
 43 compliance.

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

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

14 (c) *The secretary may deem any immunization specified in subsection*  
15 *(b) as no longer required for school attendance if the secretary determines*  
16 *that such immunization is not necessary for school attendance or is*  
17 *unsafe.*

18 (d) *As an alternative to the certification required under subsection (a),*  
19 *a pupil student shall present:*

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

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

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

31 (d)(g) *If a pupil student transfers from one school to another, the*  
32 *school from which the pupil student transfers shall forward with the pupil's*  
33 *student's transcript the certification or statement showing evidence of*  
34 *compliance with the requirements of this act to the school to which the*  
35 *pupil student transfers.*

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

37 Sec. 4. This act shall take effect and be in force from and after its  
38 publication in the Kansas register.