

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **HB 2224**, as amended by Senate Committee, on page 1, following line 7, by inserting:

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

- (1) Be properly heated, plumbed, lighted and ventilated;
- (2) have plumbing, water and sewerage systems ~~which~~ that conform to all applicable state and local laws; and
- (3) be operated with strict regard to the health, safety and welfare of any woman or child.

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

(c) (1) The secretary of health and environment with the cooperation of the secretary for children and families shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of any woman or child served in such facilities by ensuring safe and

adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after-hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents.

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

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

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

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

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

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

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

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

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

(1) Diphtheria;

(2) hepatitis A;

(3) hepatitis B;

(4) measles (rubeola);

(5) meningitis;

- (6) mumps;
- (7) pertussis (whooping cough);
- (8) poliomyelitis;
- (9) rubella (German measles);
- (10) tetanus; and
- (11) varicella (chicken pox).

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

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

- (1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or
- (2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.";

On page 3, following line 34, by inserting:

"Sec. 4. K.S.A. 72-6262 is hereby amended to read as follows: 72-6262. (a) In each school year, every ~~pupil student~~ enrolling or enrolled in any school for the first time in this state, and each child enrolling or enrolled for the first time in a preschool or day care program operated by a school, and such other ~~pupils students~~ as may be designated by the secretary, prior to admission to and attendance at school, shall present to the appropriate school board certification from a physician or local health department that the ~~pupil student~~ has received such tests deemed necessary by the secretary by such means as are approved by the secretary, and ~~inoculations such immunizations as are specified in subsection (b) deemed necessary by the secretary by such means as are approved by the secretary~~. Pupils Students who have not completed the required

~~inoculations~~ immunizations may enroll or remain enrolled while completing the required ~~inoculations~~ immunizations if a physician or local health department certifies that the ~~pupil~~ student has received the most recent, appropriate ~~inoculations~~ immunizations in all required series. Failure to timely complete all required series shall be deemed non-compliance.

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

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

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

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

(1) An annual written statement signed by a licensed physician stating the physical condition of the child to be such that the tests or ~~inoculations~~ immunizations would ~~seriously~~

endanger the life or health of the child; or

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

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

~~(d)~~(g) If a ~~pupil~~ student transfers from one school to another, the school from which the ~~pupil~~ student transfers shall forward with the ~~pupil's~~ student's transcript the certification or statement showing evidence of compliance with the requirements of this act to the school to which the ~~pupil~~ student transfers.";

Also on page 3, in line 35, after the first "K.S.A." by inserting "65-508,"; also in line 35, after "65-6009" by inserting "and 72-6262";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "infectious diseases; powers of the secretary of health and environment; childhood immunizations required for attendance at a child care facility or school,"; in line 4, after the first "K.S.A." by inserting "65-508,"; also in line 4, after "65-6009" by inserting "and 72-6262"

Senator _____