AN ACT concerning public health; relating to exemptions from the administration of vaccinations; amending K.S.A. 72-5209 and K.S.A. 2010 Supp. 65-508 and repealing the existing sections.

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

Section 1. K.S.A. 2010 Supp. 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 conform to all applicable state and local laws; and (3) be operated with strict regard to the health, comfort, safety and social welfare of the residents.

(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 of social and rehabilitation services 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 the residents who are to be 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. The notice of hearing on initial
rules and regulations proposed to be adopted to carry out the amendments
to this subsection (c)(1) by this act shall be published in the Kansas
register after February 14, 2011, but prior to March 11, 2011.

(2) Rules and regulations developed under this subsection shall
include provisions for the competent supervision and care of children in
child 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. The notice of hearing on initial rules and
regulations proposed to be adopted under this subsection (c)(2) shall be
published in the Kansas register after February 14, 2011, but prior to
March 11, 2011.

(d) 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. 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.

(e) The immunization requirement of subsection (d) 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; or

(3) a written statement signed by a parent or guardian of the child
that the parent or guardian of the child declines immunization for
Sec. 2. K.S.A. 72-5209 is hereby amended to read as follows: 72-5209. (a) In each school year, every pupil 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 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 has received such tests and inoculations as are deemed necessary by the secretary by such means as are approved by the secretary. Pupils who have not completed the required inoculations may enroll or remain enrolled while completing the required inoculations if a physician or local health department certifies that the pupil has received the most recent appropriate inoculations in all required series. Failure to timely complete all required series shall be deemed non-compliance.

(b) As an alternative to the certification required under subsection (a), a pupil 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 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; or

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

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

Sec. 3. K.S.A. 72-5209 and K.S.A. 2010 Supp. 65-508 are hereby repealed.

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