

**ADOPTED REGULATION OF
THE STATE BOARD OF HEALTH**

LCB File No. R075-01

Effective October 23, 2001

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 439.200 and 392.435; §2, NRS 439.200 and 394.192.

Section 1. NAC 392.105 is hereby amended to read as follows:

392.105 1. The state board of health hereby declares the ~~[disease]~~ *diseases* of mumps , *hepatitis A, hepatitis B and varicella* to be ~~[a communicable disease.]~~ *communicable diseases*.

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this state unless he has been immunized against the mumps.

3. Except as otherwise provided in subsection 4, unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this state:

(a) After June 30, 2002, unless he has been immunized against hepatitis A and hepatitis B; and

(b) After June 30, 2003, unless he has been immunized against varicella.

4. The provisions of:

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a public school in this state before July 1, 2002; and

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a public school in this state before July 1, 2003.

Sec. 2. NAC 394.190 is hereby amended to read as follows:

394.190 1. The state board of health hereby declares the ~~[disease]~~ *diseases* of mumps , *hepatitis A, hepatitis B and varicella* to be ~~[a communicable disease.]~~ *communicable diseases*.

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a private school in this state unless he has been immunized against the mumps.

3. *Except as otherwise provided in subsection 4, unless excused because of religious belief or medical condition, a child may not be enrolled in a private school in this state:*

(a) After June 30, 2002, unless he has been immunized against hepatitis A and hepatitis B; and

(b) After June 30, 2003, unless he has been immunized against varicella.

4. *The provisions of:*

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a private school in this state before July 1, 2002; and

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a private school in this state before July 1, 2003.

LCB FILE NO. R075-01

**HEALTH DIVISION
BUREAU OF COMMUNITY HEALTH**

Information Statement per NRS 233B.066

1. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Notice of Public Workshops/Hearing was published in the Reno Gazette Journal on March 12, 14, 16, 2001 and in the Las Vegas Review Journal on March 11-13, 2001. The first public workshop was held in Las Vegas on March 27, 2001 and the second in Reno on March 29, 2001. Forty-three persons attended these workshops and 20 persons gave spoken testimony. Nineteen speakers supported the regulation changes, and one person spoke against the changes. The speaker that opposed the changes said that her opposition was due to lack of information available to the public to make an informed decision about these vaccines. The Public Hearing was held on June 15, 2001 in Las Vegas. Eighteen persons spoke in favor of these regulation changes and one agency, Department of Education, wanted the amendments tabled for further discussion. The amendments were adopted unanimously by the Board of Health members.

Notice of Public Hearing to permanently adopt the temporary amendments adopted at the June 15th Board of Health hearing was published in the Las Vegas Review Journal on August 7, 9, 12, 2001 and in the Reno Gazette Journal on August 3, 8, 10, 2001. The amendment changes were adopted without comment at the September 7, 2001, Board of Health hearing in Reno.

A copy of the notice and the proposed regulation amendments were on file and available during normal business hours at:

Carson City Libraries
Churchill County Library
Clark County Library
Douglas County Library
Elko County Library
Goldfield Public Library
Eureka Branch Library
Humboldt County Library
Battle Mountain Branch Library
Lincoln County Library
Lyon County Library
Mineral County Library
Pershing County Library
Tonopah County Library

Washoe County Library
White Pine County Library

2. THE NUMBER OF PERSONS WHO:

(A) Attended the hearing: Approximately 88 people attended the June 15, 2001 Board of Health hearing.

(B) Testified at each hearing; Approximately 35 people testified at the public workshops and June 15th Board of Health hearing.

(C) Submitted to the agency written statements; Approximately 24 written statements were received by the agency.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

The proposed regulations do not create an impact, either positive or negative, on business, including small businesses as defined in NRS 233B.0608.

4. IF REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The regulation was adopted without change, as no changes were deemed necessary.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC.

The adoption of these regulation changes should not create an economic or operational impact, either short or long-term, on small businesses (e.g., immunization providers such as doctor's offices).

The adoption of these regulation changes will have a beneficial impact for the public by reducing the incidence of vaccine preventable diseases.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

No additional or new cost is associated with enforcement.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR

OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, NAME THE REGULATING FEDERAL AGENCY.

This regulation does not overlap with either State or Federal regulations.

8. THE REGULATION INCLUDES PROVISIONS THAT ARE MORE STRINGENT THAN A FEDERAL REGULATION THAT REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

None

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

None