

Committee in Session at 8:31 am on Tuesday, February 27, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Vice-Chairman Joe Neal
Senator Clifton Young
Senator Rick Blakemore
Senator Wilbur Faiss
Senator Jim Kosinski

GUESTS: Mr. Frank Daykin, Legal Counsel, Legislative
Counsel Bureau
Mr. Sam Mamet, Management Analyst, Clark County
Mr. Jim Barrett, Clark County Fire Marshal
Mr. Mike Nash, Nevada Division of Health

Chairman Ashworth opened the hearing on A.B. 206.

Mr. Frank Daykin, Legal Counsel, Legislative Counsel Bureau, testified that A.B. 206 was submitted by his office to repeal an unconstitutional session law. He stated that, legally, because the statute was unconstitutional, the statute never really became law.

Chairman Ashworth closed the hearing on A.B. 206.

The hearing was opened on A.B. 21.

Mr. Sam Mamet, Management Analyst, Clark County, stated the bill was the result of consideration by the fire department and the district attorney's office. The district attorney is of the opinion that it is unclear in any one specific place in the statutes that fire departments have the ability to investigate the cause and circumstances of fires which occur in their jurisdiction. They are of the opinion that it must be clearly stated in the law as several cases have been lost in the courts due to the lack of specific authority.

Chairman Ashworth questioned who the district attorney's office believes has the authority to investigate. Mr. Mamet stated it was a cooperative effort as arson investigators are peace officers.

Senator Faiss asked if this would speed up the process of investigation with increased results. Mr. Mamet stated that he believed it would.

Senator Neal asked by what authority the fire department currently investigates fires. Mr. Mamet stated that it was his understanding the authority rests within various portions of the law.

Senator Kosinski questioned if by the enactment of this legislation, other legislation could be eliminated. Mr. Mamet expressed concern that the existing statutes may be cross-referenced to other parts of the law. Senator Kosinski requested the district attorney's office review applicable statutes and report back to the committee. Senator Neal concurred with Senator Kosinski and stated he believed there may be overlapping authority.

Mr. Jim Barrett, Clark County Fire Marshal, stated the fire department does not have the authority to investigate the causes of fires by state law; however, the fire department does have that authority by local ordinances.

Senator Faiss asked if this law would necessitate an increase in personnel. Mr. Barrett stated that it would not.

There being no further testimony, Chairman Ashworth closed the hearing on A.B. 21.

The hearing was opened on S.B. 117.

Mr. Mike Nash, Immunization Program Director, Nevada Health Division, stated S.B. 117 was an agency bill. He stated he had met with the Washoe County Health District, Washoe County School District, the Clark County Health District and Clark County School District. He submitted Exhibit "A" as a compromise to S.B. 117. He stated the language changes are of a clarification nature. He said that the basic change in the law by the enactment of this legislation would be that a child is required to be immunized upon reporting to the school.

Senator Blakemore asked what happens when a child with a religious exemption wishes to enroll in school. Mr. Nash stated that if the disease occurs in the community, the child is not allowed in school and is on a quarantine status.

Chairman Ashworth questioned who had the authority to declare the presence of a disease situation. Mr. Nash replied that it was the Health Division.

Mr. Nash stated the bill is also to bring a common immunization law to all areas of education, public, private and day care centers. In addition, penalties have been added to the law and the powers of the health officer have been strengthened to enforce the law.

Chairman Ashworth stated he was having difficulty coordinating the compromise bill with S.B. 117. He questioned if this compromise was to be a new bill introduction or if S.B. 117 was to be amended. Chairman Ashworth recommended recessing the hearing on S.B. 117. He suggested the Health Division legal counsel incorporate the legal changes into amendment form.

The committee concurred. Chairman Ashworth stated he would reschedule S.B. 117 for rehearing at a later date.

A.B. 206 (Exhibit "B")

Senator Young moved to "Do Pass" A.B. 206.

Seconded by Senator Blakemore.

Motion carried.

Yeas -- 5

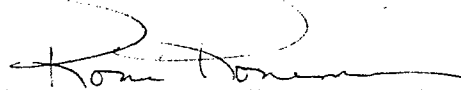
Nays -- None

Absent -- Senator Neal

As to A.B. 21, Senator Young requested the bill be held pending information from the district attorney's office of Clark County as to overlapping authority in the legislation.

There being no further business, Chairman Ashworth adjourned the meeting at 9:09 am.

Respectfully submitted,



Roni Ronemus
Committee Secretary

Approved:

Chairman
Senator Keith Ashworth

SUMMARY--Revises provisions relating to immunization of children.
Compromise Bill 2/13/79

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to immunization of children; providing for the exclusion from public and private schools of children who have not met statutory requirements for immunization; extending immunization requirements to children in child care facilities; increasing powers of health division to enforce requirements relating to immunization of children; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT
AS FOLLOWS:

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. Whenever the local or state board of health determines that there is a dangerous contagious disease in a public school attended by a child for whom exemption from immunization is claimed pursuant to the provisions of NRS 392.432 or 392.439, the board of trustees of the school district in conjunction with the local or state board of health shall require either that the child be immunized or that he be quarantined outside the school environment under the supervision of the local health officer.

2. Any parent or guardian who enrolls his child in a public school or refuses to remove the child from school when such enrollment or retention in school is prohibited under the provisions of NRS 392.435, 392.443 or section 2 of this act is guilty of a misdemeanor.

Sec. 3. NRS 392.435 is hereby amended to read as follows:

392.435 1. (Within 3 months after any child is) Unless excused because of religious belief or medical condition, a child may not be enrolled in a public school within this state (,) unless his parents or guardian (shall) submit to the board of trustees of the school district in which the child resides a certificate or certificates stating that the child has been immunized and has received (or is in the process of receiving) proper boosters for such immunization (or is in the process of being immunized) for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubella; and

(g) Such other diseases as the local board of health or the state board of health may determine.

2. The certificate or certificates required in subsection 1 (shall) must show that such required immunization vaccines and boosters were given, and (shall) must bear the signature of the licensed physician or registered nurse who administered such vaccines or boosters. If records are not available from a licensed physician or registered nurse, a sworn statement from the parent or guardian (shall suffice.) suffices.

3. If compliance with the requirements of subsection 1 can occur with a single visit to a physician or clinic, procedures for conditional enrollment do not apply.

4. A child may enter school conditionally upon submitting written proof from a licensed physician or local health department stating that he is in the process of receiving the required immunizations. Further certification showing that the required immunizations have been completed must be submitted to the appropriate official of the school or facility no later than 90 days after the child first attended the school or facility or the child must be excluded from school and may not be readmitted until the requirements have been met. Exclusion for failure to comply with immunization requirements is in violation of NRS 200.501-NRS 200.508 inclusive.

5. The requirements of subsection 1 (will be) are satisfied if a certificate or certificates have been filed in a previous year with any school district or any licensed private school or child care facility, in the State of Nevada indicating that a pupil has been immunized as required by this section.

(3.) 6. Before December 31 of each year, each school district (shall) must report to the health division of the department of human resources, on a form furnished by the division, the exact number of pupils who have completed the immunizations required by this section.

Sec. 4. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. Upon the appearance of any dangerous contagious disease in a private school attended by a child for whom exemption from immunization is claimed pursuant to the provisions of NRS (394.193 or 394.194, the governing body of such private school) shall require either that the child be immunized or that he be quarantined outside the school environment under the supervision of the local health officer.

2. Any parent or guardian who enrolls his child in a private school or

refuses to remove the child from school when such enrollment or retention in school is prohibited under the provisions of NRS 394.192, 394.196 or section 5 of this act is guilty of a misdemeanor.

Sec. 6. NRS 394.192 is hereby amended to read as follows:

394.192 1. (Within 3 months after any child is) Unless excused because of religious belief or medical condition, a child may not be enrolled in a private school within this state (for the first time,) unless his parents or guardian (shall) submit to the governing body of such private school a certificate or certificates stating that the child has been immunized and has received (or is in the process of receiving) proper boosters for such immunization (or is the process of being immunized) for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella; (and)
- (f) Rubeola; and
- (g) Such other diseases as the (board of trustees) local board of health or the state board of health may determine.

2. The certificate or certificates required in subsection 1 (shall) must show that such required immunization vaccines and boosters were given, and (shall) must bear the signature of the licensed physician or registered nurse who administered such vaccines or boosters. If records are not available from a licensed physician or registered nurse, a sworn statement from the parent or guardian (shall suffice.) suffices.

3. If compliance with the requirements of subsection 1 can occur with a single visit to a physician or clinic, procedures for conditional enrollment do not apply.

4. A child may enter school conditionally upon submitting written proof from a licensed physician or local health department stating that he is in the process of receiving the required immunizations. Further certification showing that the required immunizations have been completed must be submitted to the appropriate official of the school no later than 90 days after the child first attended the school or the child must be excluded from school and may not be readmitted until the requirements have been met. Exclusion for failure to comply with immunization requirements is in violation of NRS 200.501-NRS 200.503 inclusive.

5. The requirements of subsection 1 are satisfied if a certificate or certificates have been filed in a previous year with any school district, or any licensed private school or child care facility, in the State of Nevada indicating that a pupil has been immunized as required by this section.

6. Before December 31 of each year, each private school must report to the health division of the department of human resources, on a form furnished by the division, the exact number of pupils who have completed the immunizations required by this section.

Sec. 7. Chapter 439 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. Clinics for the immunization of children for the diseases enumerated in NRS 392.435, 394.192 and section 13 of this act must be held by the county, city, town or district boards of health, as the case may be, not less than 1 month before the opening date of the school year in the respective counties, cities and towns within the state.

2. Qualified personnel of any clinic who, in good faith, administer vaccines or boosters pursuant to this section are immune from civil and criminal liability.

Sec. 8. NRS 439.550 is hereby amended to read as follows:

439.550 Each local health officer is charged with the strict and thorough enforcement of the provisions of this chapter, and of all provisions of law requiring the immunization of children in public schools, private schools and child care facilities, in his jurisdiction, under the supervision and direction of the health division. He shall make reports to the health division of any violation (of this chapter) coming to his notice by observation or upon complaint of any person or otherwise.

Sec. 9. NRS 439.560 is hereby amended to read as follows:

439.560 All health officers, local boards of health, sheriffs, constables, policemen, marshals, all persons in charge of public buildings and institutions, and all other public officers and employees shall respect and enforce this chapter, all provisions of law requiring the immunization of children in public schools, private schools and child care facilities, and all lawful rules, orders and regulations adopted in pursuance thereof in every particular affecting their respective localities and duties.

Sec. 10. NRS 439.565 is hereby amended to read as follows:

439.565 1. Any person, corporation, firm, partnership, joint stock company, or any other association or organization which violates or proposes to violate

this chapter (or) provisions of law requiring the immunization of children in public schools, private schools and child care facilities, any regulation of the state board of health or any (rule or) regulation of a county, district or city board of health approved by the state board of health pursuant to (NRS 439.350, 439.410 and 439.460) this chapter may be enjoined by any court of competent jurisdiction.

2. Actions for injunction under this section may be prosecuted by the attorney general, any district attorney in this state or any retained counsel of any local board of health in the name and upon the complaint of the state board of health or any local board of health, or upon the complaint of the state health officer or of any local health officer or his deputy.

Sec. 11. NRS 439.570 is hereby amended to read as follows:

439.570 1. When the health authority deems it necessary, he shall report cases of violation of any of the provisions of this chapter or of provisions of law requiring the immunization of children in public schools, private schools and child care facilities. to the district attorney of the county, with a statement of the facts and circumstances. When any such case is reported to him by the health authority, the district attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for the alleged violation of law.

2. Upon request of the health division, the attorney general shall assist in the enforcement of the provisions of this chapter (.) and provisions of law requiring the immunization of children in public schools, private schools and child care facilities.

Sec. 12. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 20, inclusive, of this act.

Sec. 13. 1. Unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility within this state, including a facility licensed by a county or city, unless his parents or guardian submit to the operator of the facility a certificate or certificates stating that the child has been immunized and has received proper boosters for such immunization for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 5 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and

(a) Such other diseases as the local board of health or the state board of health may determine.

2. The certificate or certificates required in subsection 1 must show that such required immunization vaccines and boosters were given, and must bear the signature of the licensed physician or registered nurse who administered such vaccines or boosters. If records are not available from a licensed physician or registered nurse, a sworn statement from the parent or guardian suffices.

3. If compliance with the requirements of subsection 1 can occur with a single visit to a physician or clinic, procedures for conditional admission do not apply.

4. A child may enter a child care facility conditionally upon submitting written proof from a licensed physician or local health department stating that he is in the process of receiving the required immunizations. Further certification showing that the required immunizations have been completed must be submitted to the child care facility no later than 90 days after the child first attended the child care facility or the child must be excluded from the child care facility and may not be readmitted until the requirements have been met. Exclusion for failure to comply with immunization requirements is in violation of NRS 200.501-NRS 200.508 inclusive.

5. The requirements of subsection 1 are satisfied if a certificate or certificates have been filed in a previous year with any licensed child care facility, school district or licensed private school in the State of Nevada indicating that the child has been immunized as required by this section.

6. Before December 31 of each year, each child care facility must report to the health division, on a form furnished by the division, the exact number of children who have completed the immunizations required by this section.

Sec. 14. A child care facility must not refuse to admit a child because such child has not been immunized pursuant to section 13 of this act if the parents or guardian of such child have submitted to the operator of the facility a written statement indicating that their religious belief prohibits immunization of such child or ward.

Sec. 15. If the medical condition of a child will not permit him to be immunized to the extent required by section 13 of this act, a written statement of this fact signed by a licensed physician and presented to the operator of

the facility by the parents or guardian of such child exempts such child from all or part of the provisions of section 13 of this act, as the case may be, for purposes of admission.

Sec. 16. If, after a child has been admitted to a child care facility, including a facility licensed by a county or city additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates to the operator of the facility stating that such child has met the new immunization requirements.

Sec. 17. Upon the appearance of any dangerous contagious disease in a child care facility attended by a child for whom exemption from immunization is claimed pursuant to the provisions of section 14 or 15 of this act, the operator of the facility shall require either that the child be immunized or that he be quarantined outside the school environment under the supervision of the local health officer.

2. Any parent or guardian who places his child in a child care facility or refuses to remove the child from the facility when admission to or retention in the facility is prohibited under the provisions of 13, 16 or 17 of this act is guilty of a misdemeanor.

Sec. 18. NRS 392.441, 392.445, 394.195 and 394.197 are hereby repealed.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 206

ASSEMBLY BILL NO. 206—COMMITTEE ON JUDICIARY

JANUARY 25, 1979

Referred to Committee on Judiciary

SUMMARY—Repeals session law relating to metropolitan fire departments.
(BDR S-114)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to metropolitan fire departments; repealing chapter 455, Statutes of Nevada 1977; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 455, Statutes of Nevada 1977, at page 905, is
- 2 hereby repealed.
- 3 SEC. 2. This act shall become effective upon passage and approval.