

Date: March 15, 1979

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Committee in Session at 8:59 am on Thursday, March 15, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Senator Rick Blakemore
Senator Wilbur Faiss
Senator Jim Kosinski

ABSENT: Vice-Chairman Joe Neal
Senator Clifton Young

GUESTS: Mr. Mike Nash, Immunization Project Manager, Health
Division
Dr. William Edwards, Chief, Community Health Services
Ms. Sadie Thelen, Registered Nurse
Ms. Evelyn McColl, Clark County Health District
Mr. Robert Petroni, Clark County School District
Ms. Barbara Rognmoe, Owner/Director, Local Child
Care Facility in Carson City
Ms. Janet Sobel, Clark County School District

Chairman Ashworth opened the hearing on S.B. 117. He stated that it was a continuation of the prior hearing on S.B. 117 at which time amendments were submitted and the First Reprint of S.B. 117 resulted.

Mr. Mike Nash, Immunization Project Manager, Health Division, explained S.B. 117 to the committee. He stated that the bill and amendments were the result of extensive effort by Washoe County to raise their immunization level to 100 percent. The bill basically states that children must be immunized when they register for school; if a child can meet these guidelines with one visit to the clinic, procedures for conditional enrollment will apply.

As to Page 1, Section 2, Mr. Nash stated that the present law does not have any provision to handle legal exclusions in the event there is a "dangerous contagious disease." He stated that Section 3 addresses the problem of enforcement in the event a parent refuses to do anything regarding immunization of their children.

Senator Kosinski questioned the definition of "dangerous contagious disease." He suggested referring to those sections of the bill that specifically address the diseases as a cross-reference. Mr. Nash concurred and would make the appropriate changes to all three sections.

In Section 2, Senator Kosinski questioned if the board of trustees should have the power to require immunization or quarantine. He questioned if the verbage should preferably say, "you either be immunized or you cannot attend school," rather than give them the power to quarantine children. Chairman Ashworth suggested the verbage, "remain outside the school environment until the

danger has abated," rather than use the word "quarantine." Senator Kosinski concurred and suggested addressing the powers of the health officer in another section of the bill. Senator Blakemore suggested the verbage change on Page 1, Section 2, Line 8 to read, "or that he remain outside the school environment and the local health officer be notified." Dr. William Edwards, Chief, Community Health Services, stated the department's agreement. The committee concurred. Mr. Nash stated that he would make the appropriate changes to the other three sections of the bill.

As to the penalty sections, Senator Kosinski questioned the need for creating a criminal penalty for a parent who enrolls a child if the enrollment is not prohibited under statute. Mr. Nash stated that the clause addresses the parent who refuses to obtain a medical exemption, a religious exemption, and immunization for the child. Senator Kosinski questioned the necessity for the penalty clause based on the verbage on Page 2, Section 4, subsection 4, Lines 27 through 29. He further questioned what sanctions could be imposed upon the parent whose child has been denied admission; he stated that the penalty clause now only addresses the parent who was able to enroll the child and then must withdraw the child because the immunization criteria has not been met. Chairman Ashworth suggested replacing the word "enrollment" and substitute with the verbage, "who refuses to remove their child." Senator Kosinski concurred. Section 7 is to read, "Any parent or guardian who refuses to remove the child from school when retention in school is prohibited under the provisions of NRS 394.192, 394.196 or section 6 of this act is guilty of a misdemeanor."

Vice-Chairman Neal arrived for the meeting (9:36 am).

Mr. Nash stated that the amendments on Page 3, Section 9 are changes to the enforcement clauses of the health code specifically mentioning immunization.

Mr. Nash stated that the provisions of the bill are repeated three times because the bill deals with private schools, public schools and licensed day care centers.

Senator Kosinski questioned subsection 2 on Page 4, Section 9, Lines 4 through 6. Mr. Nash stated this was inserted by the Bill Drafter's Office as it is a necessary section repealed in Section 21. Senator Kosinski questioned the possibility of giving immunity for negligence under this clause. Senator Kosinski stated he would confer with Mr. Frank Daykin, Legal Counsel, Legislative Counsel Bureau, on the matter and report back to the committee.

Senator Kosinski questioned if other states require immunization for clients of child care centers. Mr. Nash stated that several do so under board of health regulations and several that handle it by county ordinances.

Ms. Sadie Thelen, Registered Nurse, spoke in opposition to the penalty clause and stated that parents should not be punished for ignorance. She further stated that the bill does not at all address the need for education in this matter. Ms. Thelen concurred with the amendments presented regarding the penalty clause but did not feel the parent should be punished if they refuse to withdraw the child. In addition, she stated that she concurred with the concerns expressed by Senator Kosinski.

Ms. Evelyn McColl, Clark County Health District, spoke in support of S.B. 117. She stated that she believed there would be fiscal impact in Clark County due to the size of the public, private and day care systems; however, she expressed the importance of having a bill to cover all three areas. She stated that the Health District would like to amend Section 10 on Page 4, Line 10 after the word "regulations" to include, "including the adoption of time limits and schedules for the immunization of students at various grade levels."

Mr. Robert Petroni, Clark County School District, concurred with the Health District's recommendation. In addition, they requested an amendment to Section 4 on Page 2, Line 2, after the word "immunization" which would read, "or is complying with time limits and schedules adopted pursuant to NRS 439.550."

Mr. Nash stated that he would be agreeable to these amendments; however, he stated that in the rural areas, there are no local health officers so the amendments are addressed to Clark County and possibly Washoe County. The committee concurred with the proposed amendments.

Ms. Barbara Rognmoe, Owner/Director, Local Child Care Facility in Carson City, spoke in support of S.B. 117. However, she questioned the lack of exemption for a child with one booster remaining upon entering a child care facility. She stated that often medical records are not forwarded in time for the child to begin at the facility regardless of the 90 day time limit. Mr. Nash stated there are provisions for these children within the duties of the health officer. She also questioned personal liability in the event she is wrong about a child's immunization which has been reported to the health authorities. Senator Kosinski stated he would look into the matter and report back to the committee.

Ms. Janet Sobel, Clark County School District, questioned the intent in Section 4 on Page 2, subsection 3. Mr. Nash replied that if a child cannot meet the requirements with one visit to the clinic, he is not given a conditional enrollment.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 117.

Chairman Ashworth presented the memorandum from Ms. Mimi Rodden, Administrator, Division of Historic Preservation and Archeology, regarding S.B. 298 (see Exhibit "A"). Senator Kosinski questioned holding the bill in the event S.B. 147 is not passed. He requested holding the bill pending further investigation. The committee concurred.

There being no further business, Chairman Ashworth adjourned the meeting at 10:04 am.

Respectfully submitted,



Roni Ronemus
Committee Secretary

Approved:

Chairman
Senator Keith Ashworth

TO Senator Ashworth

MAR 14 1979

Memo

FROM Mimi Rodden

DATE 3/14/79

SUBJECT S.B. 298

After further study of the bill pertaining to the transfer of certain designations, I would like to suggest we delete Section I in its entirety.

By retaining Section 2 and Section 3, I believe we do take care of the basic transfer of responsibilities of H.P & A. and N.S.P. Parks will retain the designation of parks, monuments and recreation areas while Historic Preservation will deal with designation of sites of a purely historic and archaeological nature.

This modification should clear up any overlap perceived between S.B 147 and S.B 298.

Thank you for your patience in this matter.

Mimi

MR:vh

cc: Senator C. Young
Senator J. Kosinski