

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H2/19/97

## A Bill

ACT 870 OF 1997  
HOUSE BILL 1649

5 By: Representatives Ferguson and Molinaro  
6  
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### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 20-78-206(a)(1) TO REQUIRE  
10 IMMUNIZATIONS PRIOR TO ADMISSION TO A CHILD CARE FACILITY;  
11 AND FOR OTHER PURPOSES."  
12

### Subtitle

13 "AN ACT TO REQUIRE IMMUNIZATIONS PRIOR  
14 TO ADMISSION TO A CHILD CARE FACILITY."  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code 20-78-206(a)(1) is amended to read as follows:

20 "(1)(A) The Department of Human Services shall advise the board  
21 regarding proposed rules and regulations and, in developing proposed rules and  
22 regulations, shall consult with the Director of the Department of Health or  
23 his designated representative in regard to rules and regulations relating to  
24 health. However, no child care facility shall continue to admit a child who  
25 has not been age appropriately immunized from poliomyelitis, diphtheria,  
26 tetanus, pertussis, red (rubeola) measles, rubella, and any other diseases as  
27 designated by the State Board of Health, within fifteen (15) program days  
28 after the child's original admission. The immunization shall be evidenced by  
29 a certificate of a licensed physician or a public health department  
30 acknowledging the immunization. The board shall consult with the Director of  
31 the General Education Division of the Department of Education or his  
32 designated representative in regard to rules and regulations relating to  
33 education.

34 (B) The provisions of this subsection pertaining to immunizations  
35 shall not apply if the parents or legal guardian of that child object thereto  
36 on the grounds that such immunization conflicts with the religious tenets and

1 practices of a recognized church or religious denomination of which the parent  
 2 or guardian is an adherent or member. Furthermore, the provisions of this  
 3 section requiring pertussis vaccination shall not apply to any child with a  
 4 sibling, either whole blood or half blood, who has had a serious adverse  
 5 reaction to the pertussis antigen, which reaction resulted in a total  
 6 permanent disability."

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8 SECTION 2. All provisions of this act of a general and permanent nature  
 9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 3. If any provision of this act or the application thereof to  
 13 any person or circumstance is held invalid, such invalidity shall not affect  
 14 other provisions or applications of the act which can be given effect without  
 15 the invalid provision or application, and to this end the provisions of this  
 16 act are declared to be severable.

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18 SECTION 4. All laws and parts of laws in conflict with this act are  
 19 hereby repealed.

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/s/Rep. Ferguson et al

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APPROVED:3-27-97

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