

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

As Engrossed: H2/19/97

A Bill

HOUSE BILL 1650

4
5 By: Representatives Ferguson and Molinaro

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 6-18-702 TO ADD OTHER
10 DISEASES AS DESIGNATED BY THE STATE BOARD OF HEALTH TO
11 REQUIRED IMMUNIZATION FOR SCHOOL CHILDREN, AND TO ADD
12 IMMUNIZATION AS A REQUIREMENT FOR ENROLLMENT IN CHILD CARE
13 FACILITIES; AND FOR OTHER PURPOSES."

Subtitle

16 "AN ACT TO ADD OTHER DISEASES AS
17 DESIGNATED BY THE STATE BOARD OF HEALTH
18 TO REQUIRED IMMUNIZATION FOR SCHOOL
19 CHILDREN, AND TO ADD IMMUNIZATION AS A
20 REQUIREMENT FOR ENROLLMENT IN CHILD CARE
21 FACILITIES."

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code 6-18-702 is amended to read as follows:
26 "6-18-702. Immunization.

27 (a) No infant or child shall be admitted to a public or private school
28 or child care facility of this state who has not been age appropriately
29 immunized from poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola)
30 measles, and rubella, and other diseases as designated by the State Board of
31 Health, except as otherwise provided by law, as evidenced by a certificate of
32 a licensed physician or a public health department acknowledging the
33 immunization.

34 (b)(1) The responsibility for the enforcement of this section rests
35 equally with each school district of this state and the parent or guardian of
36 the child or pupil, and each of them shall be separately and individually

1 liable for permitting any violation of this section.

2 (2) The Child Care Facility Licensing Division of the Arkansas
3 Department of Human Services shall be responsible for enforcing this section
4 with respect to child care facilities. The Child Care Facility Review Board
5 may promulgate appropriate rules and regulations for the enforcement of this
6 section. The owners or managers of those facilities and any parent or
7 guardian violating such regulations shall be subject to the penalties provided
8 in Arkansas Code 20-78-201, et seq.

9 (c) Regarding kindergarten through 12th grade, the ~~The~~ State Board of
10 Education, after having consulted with the State Board of Health, shall
11 promulgate appropriate rules and regulations for the enforcement of this
12 section by school boards, superintendents, and principals, and any school
13 official, parent, or guardian violating the regulations shall be subject to
14 the penalties imposed herein.

15 (d) If, in the discretion of the health authority having jurisdiction or
16 of any physician licensed to practice by the Arkansas State Medical Board, any
17 person to whom this section applies shall be deemed to have a physical
18 disability which may contraindicate vaccination, a certificate to that effect
19 issued by the health officer may be accepted in lieu of a certificate of
20 vaccination, provided that the exemption shall not apply when the disability
21 shall have been removed.

22 (e) Any person found guilty of violating the provisions of this section
23 or the regulations promulgated by the State Board of Education and/or the
24 Arkansas Child Care Facilities Review Board for the enforcement hereof shall
25 be guilty of a misdemeanor.

26 (f) The provisions of this section shall not apply if the parents or
27 legal guardian of that child object thereto on the grounds that such
28 immunization conflicts with the religious tenets and practices of a recognized
29 church or religious denomination of which the parent or guardian is an
30 adherent or member. Furthermore, the provisions of this section requiring
31 pertussis vaccination shall not apply to any child with a sibling, either
32 whole blood or half blood, who has had a serious adverse reaction to the
33 pertussis antigen, which reaction resulted in a total permanent disability."
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35 SECTION 2. All provisions of this act of a general and permanent nature
36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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

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

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12 /s/Rep. Ferguson et al

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