

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 2142

4
5 By: Representative Goss
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For An Act To Be Entitled

8
9 AN ACT PERTAINING TO THE IMMUNIZATION OF CHILDREN;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT PERTAINING TO THE IMMUNIZATION OF
14 CHILDREN.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Certificate of immunization as condition for admission to
20 day care facility - Waiver.

21 (a)(1) No person, firm, corporation, partnership or other legal entity
22 operating a day care center licensed by the Division of Child Care and Early
23 Childhood Education of the Department of Human Services shall cause or permit
24 a minor child two (2) months of age or older to be admitted to such facility
25 unless and until the parent, guardian, or custodian of the child presents
26 certification from a licensed physician or authorized representative of any
27 state or local health unit that such child has received or will receive
28 immunization at the medically appropriate time against diphtheria, pertussis,
29 tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella,
30 hepatitis A, varicella, and poliomyelitis; or presents a certification that
31 the child is likely to be immune as a result of the disease.

32 (2)(A) However, in the event the parent, guardian, or custodian
33 presenting a child for admission to a day care center certifies in writing
34 that a family emergency exists, the requirement imposed by this section may
35 be waived for a period not to exceed thirty (30) days.

36 (B) The certification shall be made prior to the provision

1 of care.

2 (C) No such waiver shall be knowingly permitted more than
3 once for any child.

4 (b)(1) The State Board of Health, by regulation, may alter the list of
5 immunizations required under this section after notice and hearing.

6 (2) Any change in the list of immunizations required shall be
7 submitted to the next regular session of the General Assembly and the change
8 shall remain in force and effect unless and until changed by the General
9 Assembly or the board.

10 (3) Hearings shall be conducted by the State Board of Health, or
11 such officer, agent or employee as the State Board of Health may designate
12 for that purpose.

13 (4) The State Board of Health shall give appropriate notice of
14 the proposed change in the list of immunizations required and of the time and
15 place for hearing.

16 (5) The change shall become effective on a date fixed by the
17 State Board of Health.

18 (6) Any change in the list of immunizations required may be
19 amended or repealed in the same manner as provided for its adoption.

20 (7) Proceedings under this section shall be governed by the
21 Administrative Procedure Act.

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23 SECTION 2. Certification - School children - List of immunization
24 tests required.

25 (a) No minor child shall be admitted to any public, private, or
26 parochial school operating in this state unless and until certification is
27 presented to the appropriate school authorities from a licensed physician, or
28 authorized representative of the Department of Health, that such child has
29 received or is in the process of receiving, immunizations against diphtheria,
30 pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola),
31 rubella, poliomyelitis, varicella, and hepatitis A or is likely to be immune
32 as a result of the disease.

33 (b)(1) Immunizations required, and the manner and frequency of their
34 administration, as prescribed by the State Board of Health, shall conform to
35 recognized standard medical practices in the state.

36 (2) The Department of Health shall supervise and secure the

1 enforcement of the required immunization program.

2 (3) The Department of Education and the boards of directors of
 3 the school districts of this state shall render reasonable assistance to the
 4 Department of Health in the enforcement of the provisions section.

5 (c)(1) The State Board of Health, by regulation, may alter the list of
 6 immunizations required under this section after notice and hearing.

7 (2) Any change in the list of immunizations required shall be
 8 submitted to the next regular session of the General Assembly and the change
 9 shall remain in force and effect unless and until changed by the General
 10 Assembly or the board.

11 (3) Hearings shall be conducted by the State Board of Health, or
 12 such officer, agent or employee as the State Board of Health may designate
 13 for that purpose.

14 (4) The State Board of Health shall give appropriate notice of
 15 the proposed change in the list of immunizations required and of the time and
 16 place for hearing.

17 (5) The change shall become effective on a date fixed by the
 18 State Board of Health.

19 (6) Any change in the list of immunizations required may be
 20 amended or repealed in the same manner as provided for its adoption.

21 (7) Proceedings under this section shall be governed by the
 22 Administrative Procedure Act.

23 (d)(1) The Department of Education and the boards of directors of the
 24 school districts of this state shall provide for release to the Department of
 25 Health of the immunization records of school children covered under Title XIX
 26 or Title XXI of the federal Social Security Act who have not received the
 27 required immunizations at the appropriate time.

28 (2) The information received pursuant to such release shall be
 29 transmitted by the Department of Health to medical providers who provide
 30 services to such children pursuant to Title XIX or Title XXI to assist in
 31 their efforts to increase the rate of childhood immunizations pursuant to the
 32 requirements of the Early and Periodic Screening, Diagnosis and Treatment
 33 (EPSDT) services provisions.

34 (3) The provisions of this subsection shall not be construed to
 35 prohibit or affect the eligibility of any child to receive benefits pursuant
 36 to Title XIX or Title XXI of the Social Security Act or to require the

1 immunization of any child if such child is exempt from the immunization
2 requirements pursuant to law.

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