

Amendment No. CA37

First Conference Committee Amendment to Assembly Bill No. 42 Third Reprint (BDR 38-670)

Proposed by: First Conference Committee

Amendment Box: Replaces Amendment No. CA24.

Resolves Conflicts with: N/A

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Amend the bill as a whole by renumbering sections 1 through 11 as sections 12 through 22 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

“Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Accommodation facility” means a child care facility which is operated:*

1. By a business that is licensed to conduct a business other than the provision of care to children; and

2. As an auxiliary service provided for the customers of the primary business.

Sec. 3. *1. Except as otherwise provided in subsection 2 and unless excused because of religious belief or medical condition, a child may not be admitted to any accommodation facility within this State, including an accommodation facility licensed by a county or city, unless his parents or guardian submit to the operator of the accommodation facility written documentation stating that the child has been immunized and has received proper boosters for that immunization*

YMG/LH

Date: 6/5/2005

A.B. No. 42—Makes various changes concerning protection of children from abuse and neglect.



or is complying with the schedules established by regulation pursuant to NRS 439.550 for the diseases set forth in subsection 1 of NRS 432A.230. The written documentation required pursuant to this subsection must be:

(a) A letter signed by a licensed physician stating that the child has been immunized and received boosters or is complying with the schedules;

(b) A record from a public school or private school which establishes that a child is enrolled in the school and has satisfied the requirements for immunization for enrollment in the school pursuant to NRS 392.435 or 394.192; or

(c) Any other documentation from a local health officer which proves that the child has been immunized and received boosters or is complying with the schedules.

2. A child whose parent or guardian has not established a permanent residence in the county in which an accommodation facility is located and whose history of immunization cannot be immediately confirmed by the written documentation required pursuant to subsection 1 may enter the accommodation facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days the documentation required pursuant to subsection 1; and

(b) Submits proof that he has not established a permanent residence in the county in which the facility is located.

3. If the documentation required pursuant to subsection 1 is not submitted to the operator of the accommodation facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

4. Before December 31 of each year, each accommodation facility shall report to the Health Division of the Department, on a form furnished by the Division, the exact number of children who have:

(a) Been admitted conditionally to the accommodation facility; and

(b) Completed the immunizations required by this section.

5. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to maintain proof of immunization of a child admitted to the facility, the Board or agency shall authorize a business which operates more than one accommodation facility to maintain proof of immunization of a child admitted to any accommodation facility of the business at a single location of the business. The documentation must be accessible by each accommodation facility of the business.

Sec. 4. *1. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to make available a minimum amount of space per child in the facility, an accommodation facility may include the space occupied by any recreational toys that are used in the accommodation facility in satisfying the requirement for the minimum amount of space per child in the facility.*

2. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to make available a minimum number of toilets per child in the facility, the Board or agency shall adjust the number of toilets per child required in an accommodation facility to a number that is appropriate for accommodation facilities, taking into account the unique nature of such facilities.

3. An accommodation facility shall permit each parent or guardian of a child who is receiving care in the accommodation facility to attend to the needs of the child if the parent or guardian does so in an area of a bathroom facility that is designated for use by one person.

Sec. 5. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.021 to 432A.028, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, *and section 4 of this act* is guilty of a misdemeanor.

Sec. 7. NRS 432A.230 is hereby amended to read as follows:

432A.230 *Except as otherwise provided in section 3 of this act for accommodation facilities:*

1. Except as otherwise provided in subsection 3 and 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 stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

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

(e) Rubella;

(f) Rubeola; and

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

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or his designee or a registered nurse or his designee, attesting that the certificate accurately reflects the child's record of immunization.

3. A child whose parent or guardian has not established a permanent residence in the county in which a child care facility is located and whose history of immunization cannot be immediately confirmed by a physician in this State or a local health officer, may enter the child care facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days a certificate from a physician or local health officer that the child has received or is receiving the required immunizations; and

(b) Submits proof that he has not established a permanent residence in the county in which the facility is located.

4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not submitted to the operator of the child care facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

5. Before December 31 of each year, each child care facility shall report to the Health Division of the Department, on a form furnished by the Division, the exact number of children who have:

(a) Been admitted conditionally to the child care facility; and

(b) Completed the immunizations required by this section.

Sec. 8. NRS 432A.240 is hereby amended to read as follows:

432A.240 If the religious belief of a child's parents or guardian prohibits the immunization of the child as required by NRS 432A.230 ~~or~~ *or section 3 of this act*, a written statement of this fact signed by the parents or guardian and presented to the operator of the facility exempts the child from the provisions of that section for purposes of admission.

Sec. 9. NRS 432A.250 is hereby amended to read as follows:

432A.250 If the medical condition of a child will not permit him to be immunized to the extent required by NRS 432A.230 ~~or~~ *or section 3 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 NRS 432A.230 ~~or~~ *or section 3 of this act*, as the case may be, for purposes of admission.

Sec. 10. NRS 432A.260 is hereby amended to read as follows:

432A.260 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 *or, if the facility is an accommodation facility, additional written documentation in a form authorized pursuant to section 3 of this act* to the operator of the facility stating that such child has met the new immunization requirements.

Sec. 11. NRS 432A.280 is hereby amended to read as follows:

432A.280 Any parent or guardian who refuses to remove his child from the child care facility to which he has been admitted when retention in the facility is prohibited under the provisions of NRS 432A.230, 432A.260 or 432A.270 *or section 3 of this act* is guilty of a misdemeanor.”.

Amend section 1, page 2, line 2, by deleting:

“2 and 3” and inserting:

“13 and 14”.

Amend sec. 3, page 3, by deleting lines 10 through 20 and inserting:

“Sec. 14. 1. *An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the applicable state and federal constitutional and statutory rights of a person who is responsible for a child’s welfare and who is:*

(a) The subject of an investigation of alleged abuse or neglect of a child; or

(b) A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.

2. Nothing in this section shall be construed as requiring or authorizing a person who is employed by an agency which provides child welfare services to offer legal advice, legal assistance or legal interpretation of state or federal statutes or laws.”.

Amend sec. 4, page 4, line 34, by deleting “3” and inserting “14”.

Amend sec. 7, page 6, line 41, by deleting “2” and inserting “13”.

Amend sec. 11, page 11, by deleting lines 25 through 31 and inserting:

“Sec. 22. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, and 16 to 21, inclusive, of this act become effective on October 1, 2005.

3. Sections 14 and 15 of this act become effective upon passage and approval for the purpose of adopting regulations and on July 1, 2006, for all other purposes.”.

Amend the title of the bill by deleting the first line and inserting:

“AN ACT relating to children; making various changes relating to child care facilities that are operated by businesses as an auxiliary service provided for their customers; requiring an agency”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning certain child care facilities and protection of children from abuse and neglect. (BDR 38-670)”.

If this amendment is adopted, the Legislative

Counsel's Digest will be deleted.