

SENATE BILL NO. 254—SENATOR NOLAN

MARCH 22, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Makes various changes relating to child care facilities located within health clubs. (BDR 38-1127)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to public welfare; making various changes relating to child care facilities that are located within health clubs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

Sec. 2. 1. *A child may be admitted to a child care facility that is located within a health club, including a facility licensed by a county or city, without his parents or guardian submitting any information to the operator of the facility concerning the immunizations the child has received.*

2. If additional immunization requirements are provided by law after a child has been admitted to a child care facility that is located within a health club, including a facility licensed by a county or city, the child's parents or guardian must not be required to submit any information to the operator of the facility concerning the immunizations the child has received.

3. As used in this section, "health club" has the meaning ascribed to it in NRS 598.9415.

Sec. 3. 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*



1 *of space per child in the facility, a child care facility that is located*
2 *within a health club may include the space occupied by any*
3 *recreational toys that are used in the child care facility in*
4 *satisfying the requirement for the minimum amount of space per*
5 *child in the facility.*

6 2. *To the extent that the Board or an agency for the licensing*
7 *of child care facilities established by a county or city requires a*
8 *child care facility to make available a minimum number of toilets*
9 *per child in the facility, the Board or agency shall adjust the*
10 *number of toilets per child required in a child care facility that is*
11 *located within a health club to a number that is appropriate for*
12 *child care facilities located within health clubs, taking into*
13 *account the unique nature of such facilities.*

14 3. *A child care facility that is located within a health club*
15 *shall permit each parent and guardian of a child who is receiving*
16 *care in the child care facility to participate in fitness activities with*
17 *the child in the child care facility.*

18 4. *As used in this section, "health club" has the meaning*
19 *ascribed to it in NRS 598.9415.*

20 **Sec. 4.** NRS 432A.220 is hereby amended to read as follows:

21 432A.220 Any person who operates a child care facility
22 without a license issued pursuant to NRS 432A.131 to 432A.220,
23 inclusive, *and section 3 of this act* is guilty of a misdemeanor.

24 **Sec. 5.** NRS 432A.230 is hereby amended to read as follows:

25 432A.230 1. Except as otherwise provided in subsection 3
26 *and section 2 of this act* and unless excused because of religious
27 belief or medical condition, a child may not be admitted to any child
28 care facility within this State, including a facility licensed by a
29 county or city, unless his parents or guardian submit to the operator
30 of the facility a certificate stating that the child has been immunized
31 and has received proper boosters for that immunization or is
32 complying with the schedules established by regulation pursuant to
33 NRS 439.550 for the following diseases:

34 (a) Diphtheria;

35 (b) Tetanus;

36 (c) Pertussis if the child is under 6 years of age;

37 (d) Poliomyelitis;

38 (e) Rubella;

39 (f) Rubeola; and

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

42 2. The certificate must show that the required vaccines and
43 boosters were given and must bear the signature of a licensed
44 physician or his designee or a registered nurse or his designee,



1 attesting that the certificate accurately reflects the child's record of
2 immunization.

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

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

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

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

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

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

22 (b) Completed the immunizations required by this section.

23 **Sec. 6.** NRS 432A.260 is hereby amended to read as follows:

24 432A.260 ~~¶¶~~ *Except as otherwise provided in section 2 of*
25 *this act, if*, after a child has been admitted to a child care facility,
26 including a facility licensed by a county or city, additional
27 immunization requirements are provided by law, the child's parents
28 or guardian shall submit an additional certificate or certificates to
29 the operator of the facility stating that such child has met the new
30 immunization requirements.



