

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 operated by businesses as auxiliary service provided for their customers. (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 operated by businesses as an auxiliary service provided for their customers; and providing other matters properly relating thereto.

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

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

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

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

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

10 **Sec. 3.** 1. *A child may be admitted to an accommodation*
11 *facility, including an accommodation facility licensed by a county*
12 *or city, without his parents or guardian submitting any*
13 *information to the operator of the accommodation facility*
14 *concerning the immunizations the child has received.*

15 2. *If additional immunization requirements are provided by*
16 *law after a child has been admitted to an accommodation facility,*
17 *including an accommodation facility licensed by a county or city,*



1 *the child's parents or guardian must not be required to submit any*
2 *information to the operator of the accommodation facility*
3 *concerning the immunizations the child has received.*

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

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

18 **3.** *An accommodation facility shall permit each parent or*
19 *guardian of a child who is receiving care in the accommodation*
20 *facility to attend to the needs of the child and to participate in*
21 *activities with the child if the parent or guardian does so:*

22 *(a) In an area of the accommodation facility that is supervised*
23 *by the operator of the accommodation facility; or*

24 *(b) In an area of a bathroom facility that is designed for use by*
25 *one person.*

26 **4.** *Not more than 30 percent of the area that is designated as*
27 *play or activity space in an accommodation facility that begins*
28 *operation on or after October 1, 2005, may consist of multilevel*
29 *play equipment.*

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

31 432A.020 As used in this chapter, unless the context otherwise
32 requires, the words and terms defined in NRS 432A.021 to
33 432A.028, inclusive, *and section 2 of this act* have the meanings
34 ascribed to them in those sections.

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

36 432A.220 Any person who operates a child care facility
37 without a license issued pursuant to NRS 432A.131 to 432A.220,
38 inclusive, *and section 4 of this act* is guilty of a misdemeanor.

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

40 432A.230 1. Except as otherwise provided in subsection 3
41 *and section 3 of this act* and unless excused because of religious
42 belief or medical condition, a child may not be admitted to any child
43 care facility within this State, including a facility licensed by a
44 county or city, unless his parents or guardian submit to the operator
45 of the facility a certificate stating that the child has been immunized



1 and has received proper boosters for that immunization or is
2 complying with the schedules established by regulation pursuant to
3 NRS 439.550 for the following diseases:

- 4 (a) Diphtheria;
- 5 (b) Tetanus;
- 6 (c) Pertussis if the child is under 6 years of age;
- 7 (d) Poliomyelitis;
- 8 (e) Rubella;
- 9 (f) Rubeola; and

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

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

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

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

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

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

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

- 35 (a) Been admitted conditionally to the child care facility; and
- 36 (b) Completed the immunizations required by this section.



1 **Sec. 8.** NRS 432A.260 is hereby amended to read as follows:
2 432A.260 ~~He,~~ *Except as otherwise provided in section 3 of*
3 *this act, if,* after a child has been admitted to a child care facility,
4 including a facility licensed by a county or city, additional
5 immunization requirements are provided by law, the child's parents
6 or guardian shall submit an additional certificate or certificates to
7 the operator of the facility stating that such child has met the new
8 immunization requirements.

