

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. *Except as otherwise provided in subsection 2 and*
11 *unless excused because of religious belief or medical condition, a*
12 *child may not be admitted to any accommodation facility within*
13 *this State, including an accommodation facility licensed by a*
14 *county or city, unless his parents or guardian submit to the*
15 *operator of the accommodation facility written documentation*
16 *stating that the child has been immunized and has received proper*
17 *boosters for that immunization or is complying with the schedules*
18 *established by regulation pursuant to NRS 439.550 for the*



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1 diseases set forth in subsection 1 of NRS 432A.230. The written
2 documentation required pursuant to this subsection must be:

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

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

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

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

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

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

23 3. If the documentation required pursuant to subsection 1 is
24 not submitted to the operator of the accommodation facility within
25 15 days after the child was conditionally admitted, the child must
26 be excluded from the facility.

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

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

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

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

43 Sec. 4. 1. To the extent that the Board or an agency for the
44 licensing of child care facilities established by a county or city
45 requires a child care facility to make available a minimum amount



1 of space per child in the facility, an accommodation facility may
2 include the space occupied by any recreational toys that are used
3 in the accommodation facility in satisfying the requirement for the
4 minimum amount of space per child in the facility.

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

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

17 4. Not more than 30 percent of the area that is designated as
18 play or activity space in an accommodation facility that begins
19 operation on or after October 1, 2005, may consist of multilevel
20 play equipment.

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

22 432A.020 As used in this chapter, unless the context otherwise
23 requires, the words and terms defined in NRS 432A.021 to
24 432A.028, inclusive, **and section 2 of this act** have the meanings
25 ascribed to them in those sections.

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

27 432A.220 Any person who operates a child care facility
28 without a license issued pursuant to NRS 432A.131 to 432A.220,
29 inclusive, **and section 4 of this act** is guilty of a misdemeanor.

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

31 432A.230 **Except as otherwise provided in section 3 of this**
32 **act for accommodation facilities:**

33 1. Except as otherwise provided in subsection 3 and unless
34 excused because of religious belief or medical condition, a child
35 may not be admitted to any child care facility within this State,
36 including a facility licensed by a county or city, unless his parents or
37 guardian submit to the operator of the facility a certificate stating
38 that the child has been immunized and has received proper boosters
39 for that immunization or is complying with the schedules
40 established by regulation pursuant to NRS 439.550 for the following
41 diseases:

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



- 1 (e) Rubella;
- 2 (f) Rubeola; and
- 3 (g) Such other diseases as the local board of health or the State
- 4 Board of Health may determine.

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

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

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

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

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

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

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

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

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

31 432A.240 If the religious belief of a child's parents or guardian
32 prohibits the immunization of the child as required by NRS
33 432A.230 **H or section 3 of this act**, a written statement of this fact
34 signed by the parents or guardian and presented to the operator of
35 the facility exempts the child from the provisions of that section for
36 purposes of admission.

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

38 432A.250 If the medical condition of a child will not permit
39 him to be immunized to the extent required by NRS 432A.230 **H or**
40 **section 3 of this act**, a written statement of this fact signed by a
41 licensed physician and presented to the operator of the facility by
42 the parents or guardian of such child exempts such child from all or
43 part of the provisions of NRS 432A.230 **H or section 3 of this act**,
44 as the case may be, for purposes of admission.



1 **Sec. 10.** NRS 432A.260 is hereby amended to read as follows:
2 432A.260 If, after a child has been admitted to a child care
3 facility, including a facility licensed by a county or city, additional
4 immunization requirements are provided by law, the child's parents
5 or guardian shall submit an additional certificate or certificates *or, if*
6 *the facility is an accommodation facility, additional written*
7 *documentation in a form authorized pursuant to section 3 of this*
8 *act* to the operator of the facility stating that such child has met the
9 new immunization requirements.

10 **Sec. 11.** NRS 432A.280 is hereby amended to read as follows:
11 432A.280 Any parent or guardian who refuses to remove his
12 child from the child care facility to which he has been admitted
13 when retention in the facility is prohibited under the provisions of
14 NRS 432A.230, 432A.260 or 432A.270 *or section 3 of this act* is
15 guilty of a misdemeanor.



