

SENATE BILL NO. 349—SENATOR WOODHOUSE

MARCH 19, 2007

Referred to Committee on Finance

SUMMARY—Provides for the free immunization of children against certain diseases within certain limits. (BDR 40-837)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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 health; requiring the free immunization of children against certain diseases within the limits of legislative appropriations; making appropriations to pay for the costs of such immunizations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, subject to certain exceptions, a child must be immunized against certain diseases before the child may be enrolled in a public or private school or admitted to a child care facility in this State. (NRS 392.435, 394.192, 432A.230) Existing law also provides that the county, city, town and district boards of health must hold clinics for the immunization of children for the diseases enumerated in NRS 392.435, 394.192 and 432A.230 not less than 1 month before the opening date of the school year. (NRS 439.535)

Section 1 of this bill requires the Health Division of the Department of Health and Human Services and the county, city, town and district boards of health, within the limits of legislative appropriations, to establish a program that provides for the immunization of each child who is a resident of this State and who is less than 18 years of age for the diseases enumerated in NRS 392.435, 394.192 and 432A.230, without charging for the cost of the vaccine, booster or medicine used for the immunization. However, **section 1** permits charges to be assessed for the cost of administering the vaccine, booster or medicine to the child, including the cost of any fee for providing medical or professional services.

Section 2 of this bill makes appropriations to the Department of Health and Human Services for the provision of these immunizations in the next biennium. The Department must allocate the appropriations among the Health Division and the county, city, town and district boards of health in a manner that will most effectively provide for the required immunizations.



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

Section 1. NRS 439.535 is hereby amended to read as follows:
439.535 1. *Within the limits of legislative appropriation, the Health Division and the county, city, town and district boards of health shall, in accordance with the provisions of this section, establish a program that provides for the immunization of each child who is a resident of this State and who is less than 18 years of age for the diseases enumerated in NRS 392.435, 394.192 and 432A.230, without charging for the cost of the vaccine, booster or medicine used for the immunization.*

2. *In carrying out the program established pursuant to subsection 1, the Health Division and the county, city, town and district boards of health and any person who is qualified to administer the vaccine, booster or medicine used for the immunization may charge for the cost of administering the vaccine, booster or medicine to the child, including the cost of any fee for providing medical or professional services.*

3. *The Department shall allocate any money appropriated by the Legislature for the program established pursuant to subsection 1 among the Health Division and the county, city, town and district boards of health in a manner that the Department determines will most effectively provide for the immunizations required by this section.*

4. Clinics for the immunization of children for the diseases enumerated in NRS 392.435, 394.192 and 432A.230 must be held by the county, city, town ~~for~~ and district boards of health ~~as the case may be, not~~ :

(a) *Not less than 1 month before the opening date of the school year in the respective counties, cities and towns within the State* ~~;~~

~~—2.— Qualified personnel of any clinic; and~~

(b) *At such other times as is necessary to most effectively provide for the immunizations required by this section.*

5. Any person who is qualified to administer ~~the vaccines or boosters~~ a vaccine, booster or medicine used for an immunization pursuant to this section and who administers such a vaccine, booster or medicine to a child, in good faith and without gross negligence ~~are~~, is immune from civil and criminal liability.

6. As used in this section, “diseases enumerated in NRS 392.435, 394.192 and 432A.230” means the diseases enumerated in those sections and all other diseases for which immunization is required by the local board of health or the State Board of Health pursuant to the authority granted by those sections.



Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to carry out the program of immunizations required pursuant to NRS 439.535, as amended by this act:

For the Fiscal Year 2007-2008.....\$53,000,000

For the Fiscal Year 2008-2009.....\$53,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

Sec. 3. This act becomes effective on July 1, 2007.

