

SENATE BILL NO. 233—SENATORS WOODHOUSE, BREEDEN,
WIENER, PARKS, HORSFORD; CARE, COFFIN, MATHEWS
AND SCHNEIDER

MARCH 13, 2009

Referred to Committee on Health and Education

SUMMARY—Provides for the free immunization of certain children against certain diseases within limits of available money. (BDR 40-105)

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 certain 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 requires the county, city, town and district boards of health to hold clinics for the immunization of children 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 appropriation, to establish a program that provides certain immunizations, without charging for the cost of the vaccine, booster or medicine, for each child if: (1) the child is a resident of this State; (2) the child is less than 4 years of age; and (3) the cost of the immunization is not eligible for payment or reimbursement by an insurer, health plan, health benefit plan or program of public assistance. **Section 1** permits charges to be assessed for the cost of the administration of 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 an appropriation 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



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20 county, city, town and district boards of health in a manner that will most
21 effectively provide for the required immunizations.

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

1 **Section 1.** NRS 439.535 is hereby amended to read as follows:
2 439.535 1. *Within the limits of legislative appropriation, the*
3 *Health Division and the county, city, town and district boards of*
4 *health shall establish a program that provides for the*
5 *immunization of each eligible child for the diseases enumerated in*
6 *NRS 392.435, 394.192 and 432A.230 without charging for the cost*
7 *of the vaccine, booster or medicine used for the immunization if*
8 *the cost of the vaccine, booster or medicine is not eligible for*
9 *payment or reimbursement by an insurer, health plan, health*
10 *benefit plan or program of public assistance, including, without*
11 *limitation, Medicaid or the Children's Health Insurance Program*
12 *as defined in NRS 422.021. For the purposes of this subsection, a*
13 *child is an "eligible child" if the child is a resident of this State*
14 *and is less than 4 years of age.*

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

22 3. *The Department shall allocate any money appropriated by*
23 *the Legislature for the program established pursuant to subsection*
24 *1 among the Health Division and the county, city, town and*
25 *district boards of health in a manner that the Department*
26 *determines will most effectively provide for the immunizations*
27 *required by this section.*

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

32 (a) *Not* less than 1 month before the opening date of the school
33 year in the respective counties, cities and towns within the State ~~for~~
34 ~~Qualified personnel of any clinic~~ ; and

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

37 5. Any person who is qualified to administer ~~for vaccines or~~
38 ~~boosters~~ a vaccine, booster or medicine used for an immunization
39 pursuant to this section and who administers such a vaccine,



1 *booster or medicine to a child*, in good faith and without gross
2 negligence ~~are~~, is immune from civil and criminal liability.

3 6. *As used in this section, "diseases enumerated in NRS*
4 *392.435, 394.192 and 432A.230" means the diseases enumerated*
5 *in those sections and all other diseases for which immunization is*
6 *required by the local board of health or the State Board of Health*
7 *pursuant to the authority granted by those sections.*

8 **Sec. 2.** 1. There is hereby appropriated from the State
9 General Fund to the Department of Health and Human Services to
10 carry out the program of immunizations required pursuant to NRS
11 439.535, as amended by section 1 of this act:

12 For the Fiscal Year 2009-2010.....\$53,000,000

13 For the Fiscal Year 2010-2011.....\$53,000,000

14 2. Any balance of the sums appropriated by subsection 1
15 remaining at the end of the respective fiscal years must not be
16 committed for expenditure after June 30 of the respective fiscal
17 years by the entity to which the appropriation is made or any entity
18 to which money from the appropriation is granted or otherwise
19 transferred in any manner, and any portion of the appropriated
20 money remaining must not be spent for any purpose after
21 September 17, 2010, and September 16, 2011, respectively, by
22 either the entity to which the money was appropriated or the entity
23 to which the money was subsequently granted or transferred, and
24 must be reverted to the State General Fund on or before
25 September 17, 2010, and September 16, 2011, respectively.

26 **Sec. 3.** This act becomes effective on July 1, 2009.

