

ASSEMBLY BILL NO. 123—ASSEMBLYWOMAN MUNK

FEBRUARY 11, 2019

Referred to Committee on Education

SUMMARY—Revises provisions governing the requirements concerning immunizations of pupils for purposes of enrollment in school. (BDR 34-593)

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 education; requiring certain information regarding exemptions from immunization requirements for pupils to be submitted to certain public health agencies; requiring an annual statement regarding medical exemptions to be submitted to the board of trustees of a school district or the governing body of a school; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally prohibits enrolling a child in a public or private school unless the child has received certain immunizations. (NRS 392.435, 394.192) Existing law further requires a public or private school to exempt a child from those requirements if the parent or guardian of the child submits to the board of trustees of the school district or the governing body of the school, as applicable, a written statement indicating that: (1) the religious belief of the parent or guardian prohibits the immunization of the child; or (2) the child has a medical condition that does not allow the child to receive some or all of the required immunizations. (NRS 392.437, 392.439, 394.193, 394.194) **Sections 3, 4, 7 and 8** of this bill require such a written statement concerning religious belief or medical condition of a child to include the name of the child, the name of his or her school and written consent to allow the board of trustees or governing body to provide a copy of the written statement or disclose information contained in the statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer. **Sections 2 and 6** of this bill require the board of trustees of a school district or the governing body of a charter school or private school to submit to the Division and the local health officer a copy of each such written statement received by the board of trustees or governing body. **Sections 2 and 6** additionally authorize the Division or local health officer to share such a written



statement with certain other state and local public health authorities. **Sections 2, 6 and 10** of this bill provide that such a written statement is otherwise confidential. **Section 1** of this bill makes a conforming change.

Existing law requires the parent or guardian of a child who has a medical condition that does not allow the child to receive the required immunizations to submit a written statement of that fact to receive an exemption from the required immunizations. (NRS 392.439, 394.194) **Sections 4 and 8** require such a statement to be submitted before the beginning of each school year for the child to remain exempt for that school year. If the parent or guardian of a child for whom such a statement has previously been submitted fails to submit such a statement before the beginning of a school year and the child has not obtained the required immunizations, **sections 4 and 8** require the child to be excluded from school. **Sections 5 and 9** of this bill make it a misdemeanor for a parent or guardian to refuse to remove his or her child from school if the child is required to be excluded from school for that reason.

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

Section 1. NRS 391.292 is hereby amended to read as follows:

391.292 A school nurse shall, for each school at which he or she is responsible for providing nursing services:

1. Ensure that each pupil enrolled in the school has been immunized in accordance with, is exempt from or has otherwise complied with, the requirements set forth in NRS 392.435 to 392.446, inclusive ~~+~~, and *section 2 of this act*.

2. Assess and evaluate the general health and physical development of the pupils enrolled in the school to identify those pupils who have physical or mental conditions that impede their ability to learn.

3. Report the results of an evaluation conducted pursuant to subsection 2 to:

(a) A parent or guardian of the pupil;

(b) Each administrator and teacher directly involved with the education of the pupil; and

(c) Other professional personnel within the school district who need the information to assist the pupil with the pupil's health or education.

4. Design and carry out a plan of nursing care for a pupil with special needs which incorporates any plan specified by the pupil's physician or provider of health care, as defined in NRS 629.031, and which is approved by the pupil's parent or guardian. The nursing services provided pursuant to a plan of nursing care must be performed in compliance with chapter 632 of NRS.

5. When appropriate, refer a pupil and the pupil's parent or guardian to other sources in the community to obtain services necessary for the health of the pupil.



6. Interpret medical and nursing information that relates to a pupil's individual educational plan or individualized accommodation plan and make recommendations to:

- (a) Professional personnel directly involved with that pupil; and
- (b) The parents or guardian of that pupil.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or the governing body of a charter school, as applicable, shall submit a copy of each statement it receives pursuant to NRS 392.437 or 392.439 to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer.

2. The Division of Public and Behavioral Health or a local health officer may provide a copy of a statement received pursuant to subsection 1 or disclose the information contained in the statement only to the State Board of Health, local boards of health, officers and agents thereof and, if an outbreak of a disease for which an immunization is required by NRS 392.435 occurs, any other federal or state agency responding to the outbreak. The statement and the information contained therein are otherwise confidential.

Sec. 3. NRS 392.437 is hereby amended to read as follows:

392.437 A public school shall not refuse to enroll a child as a pupil because the child has not been immunized pursuant to NRS 392.435 if the parents or guardian of the child has submitted to the board of trustees of the school district or the governing body of a charter school in which the child has been accepted for enrollment ~~fact~~:

1. A written statement indicating that their religious belief prohibits immunization of such child ~~fact~~ which includes, without limitation, the name of the child and the school in which the child has been accepted for enrollment; and

2. Written consent that meets the requirements of 34 C.F.R. § 99.30 for the board of trustees or governing body, as applicable, to disclose the written statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer pursuant to section 2 of this act.

Sec. 4. NRS 392.439 is hereby amended to read as follows:

392.439 *1. If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 392.435 and a written statement of this fact ~~is signed by a licensed physician or advanced practice registered nurse and by the parents or guardian of the child,~~ that meets the requirements of this section is submitted to* the board of trustees of the school district or governing



body of the charter school in which the child has been accepted for enrollment, *the board of trustees or governing body, as applicable*, shall exempt the child from all or part of the provisions of NRS 392.435, as the case may be, for enrollment purposes ~~[]~~ *for that school year. Such a written statement must:*

(a) Be signed by a licensed physician or advanced practice registered nurse and by the parents or guardian of the child;

(b) Include, without limitation, the name of the child and the school in which the child has been accepted for enrollment; and

(c) Be accompanied by written consent that meets the requirements of 34 C.F.R. § 99.30 for the board of trustees or governing body, as applicable, to provide a copy of the written statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer pursuant to section 2 of this act.

2. A written statement for a child submitted to the board of trustees or governing body pursuant to subsection 1 must be resubmitted before the next school year, if applicable. If such a statement is not submitted and the child has not been immunized as required by NRS 392.435 before the next school year, the child must be excluded from school and may not be accepted for enrollment until the requirements of this section or NRS 392.435 are met. A child who is excluded from school pursuant to this section shall be deemed to be a neglected child for the purposes of NRS 432.097 to 432.130, inclusive, and chapter 432B of NRS.

Sec. 5. NRS 392.448 is hereby amended to read as follows:

392.448 Any parent or guardian who refuses to remove his or her child from the public school in which the child is enrolled when retention in school is prohibited under the provisions of NRS 392.435, **392.439**, 392.443 or 392.446 is guilty of a misdemeanor.

Sec. 6. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a private school shall submit a copy of each statement it receives pursuant to NRS 394.193 or 394.194 to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer.

2. The Division of Public and Behavioral Health or a local health officer may provide a copy of a statement received pursuant to subsection 1 or disclose the information contained in the statement only to the State Board of Health, local boards of health and officers, agents thereof and, if an outbreak of a disease for which an immunization is required by NRS 394.192 occurs, any other federal or state agency responding to the outbreak. The statement and the information contained therein are otherwise confidential.



Sec. 7. NRS 394.193 is hereby amended to read as follows:

394.193 A private school shall not refuse to enroll a child as a pupil because such child has not been immunized pursuant to NRS 394.192 if the parents or guardian of such child have submitted to the governing body ~~fa~~:

1. A written statement indicating that their religious belief prohibits immunization of such child ~~fa~~, which includes, without limitation, the name of the child and the school in which the child has been accepted for enrollment; and

2. Written consent for the governing body to disclose the written statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer pursuant to section 6 of this act.

Sec. 8. NRS 394.194 is hereby amended to read as follows:

394.194 *1. If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 394.192, a written statement of this fact ~~[signed by a licensed physician or advanced practice registered nurse and presented]~~ that meets the requirements of this section and is submitted to the governing body by the parents or guardian of such child shall exempt such child from all or part of the provisions of NRS 394.192, as the case may be, for enrollment purposes ~~fa~~ for that school year. Such a written statement must:*

(a) Be signed by a licensed physician or advanced practice registered nurse and by the parents or guardian of the child;

(b) Include, without limitation, the name of the child and the school in which the child has been accepted for enrollment; and

(c) Be accompanied by written consent for the governing body to provide a copy of the written statement to the Division of Public and Behavioral Health of the Department of Health and Human Services and the local health officer pursuant to section 6 of this act.

2. A written statement for a child submitted to the governing body of a private school pursuant to subsection 1 must be resubmitted before the next school year, if applicable. If such a statement is not submitted and the child has not been immunized as required by NRS 394.192 before the next school year, the child must be excluded from school and may not be accepted for enrollment until the requirements of this section or NRS 394.192 are met. A child who is excluded from school pursuant to this section shall be deemed to be a neglected child for the purposes of NRS 432.097 to 432.130, inclusive, and chapter 432B of NRS.

Sec. 9. NRS 394.199 is hereby amended to read as follows:

394.199 Any parent or guardian who refuses to remove his or her child from the private school in which the child is enrolled when




retention in school is prohibited under the provisions of NRS 394.192, **394.194**, 394.196 or 394.198 is guilty of a misdemeanor.

Sec. 10. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,



1 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
2 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
3 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
4 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
5 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
6 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
7 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
8 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
9 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
10 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
11 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
12 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
13 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
14 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
15 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
16 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
17 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
18 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
19 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
20 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
21 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
22 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
23 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
24 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
25 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
26 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
27 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
28 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
29 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
30 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
31 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
32 704B.325, 706.1725, 706A.230, 710.159, 711.600  *and sections 2*
33 *and 6 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of
34 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
35 and unless otherwise declared by law to be confidential, all public
36 books and public records of a governmental entity must be open at
37 all times during office hours to inspection by any person, and may
38 be fully copied or an abstract or memorandum may be prepared
39 from those public books and public records. Any such copies,
40 abstracts or memoranda may be used to supply the general public
41 with copies, abstracts or memoranda of the records or may be used
42 in any other way to the advantage of the governmental entity or of
43 the general public. This section does not supersede or in any manner
44 affect the federal laws governing copyrights or enlarge, diminish or



1 affect in any other manner the rights of a person in any written book
2 or record which is copyrighted pursuant to federal law.

3 2. A governmental entity may not reject a book or record
4 which is copyrighted solely because it is copyrighted.

5 3. A governmental entity that has legal custody or control of a
6 public book or record shall not deny a request made pursuant to
7 subsection 1 to inspect or copy or receive a copy of a public book or
8 record on the basis that the requested public book or record contains
9 information that is confidential if the governmental entity can
10 redact, delete, conceal or separate the confidential information from
11 the information included in the public book or record that is not
12 otherwise confidential.

13 4. A person may request a copy of a public record in any
14 medium in which the public record is readily available. An officer,
15 employee or agent of a governmental entity who has legal custody
16 or control of a public record:

17 (a) Shall not refuse to provide a copy of that public record in a
18 readily available medium because the officer, employee or agent has
19 already prepared or would prefer to provide the copy in a different
20 medium.

21 (b) Except as otherwise provided in NRS 239.030, shall, upon
22 request, prepare the copy of the public record and shall not require
23 the person who has requested the copy to prepare the copy himself
24 or herself.

25 **Sec. 11.** This act becomes effective on July 1, 2019.

