

SENATE BILL NO. 372

INTRODUCED BY JACOBSON, MESSMORE, HANSEN,
WATERMAN, BARNHART, J. BROWN

IN THE SENATE

FEBRUARY 13, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 25, 1991 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 26, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

FIRST READING.

MARCH 9, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 12, 1991 SECOND READING, CONCURRED IN.

MARCH 14, 1991 THIRD READING, CONCURRED IN.
AYES, 98; NOES, 2.

RETURNED TO SENATE.

IN THE SENATE

MARCH 15, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. *372*

INTRODUCED BY *Senator Matt Bamhart* *for* *Representative G. Brown*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CHILDREN ENTERING A PRESCHOOL OR LICENSED DAY-CARE FACILITY BE IMMUNIZED AGAINST MENINGITIS; AND AMENDING SECTIONS 20-5-403, 20-5-404, AND 52-2-723, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-403, MCA, is amended to read:

"20-5-403. Immunization required -- release and acceptance of immunization records. (1) The governing authority of any school other than a postsecondary school may not allow any person to commence attendance as a pupil unless the person:

(a) has been immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles (rubeola) in the manner and with immunizing agents approved by the department, except that pertussis vaccination is not required for a person 7 years of age or older;

(b) has been immunized against Haemophilus influenzae type "b" before enrolling in a preschool if under 5 years of age;

(c) qualifies for conditional attendance; or

(d) files for an exemption.

(2) (a) The governing authority of a postsecondary school may not allow any person to commence attendance as a pupil unless the person:

(i) has been immunized against rubella and measles (rubeola) in the manner and with immunizing agents approved by the department; or

(ii) files for an exemption.

(b) The governing authority of a postsecondary school may impose immunization requirements as a condition of attendance that are more stringent than those required by this part.

(3) A pupil who transfers from one school district to another may photocopy immunization records in the possession of the school of origin. The school district to which a pupil transfers shall accept the photocopy as evidence of immunization. Within 30 days after a transferring pupil ceases attendance at the school of origin, the school shall send the original immunization records for the pupil to the school district to which the pupil transfers."

Section 2. Section 20-5-404, MCA, is amended to read:

"20-5-404. Conditional attendance. The governing authority of a school other than a postsecondary school may allow the commencement of attendance in school by a person who has not been immunized against each disease listed in 20-5-403 if that person has received one or more doses of

1 polio, measles (rubeola), mumps, rubella, diphtheria,
 2 pertussis, Haemophilus influenza type "b", and tetanus
 3 vaccine, except that pertussis vaccine is not required for a
 4 person 7 years of age or older and Haemophilus influenza
 5 type "b" vaccine is required only for children under 5 years
 6 of age."

7 **Section 3.** Section 52-2-723, MCA, is amended to read:

8 "52-2-723. Requirements for licensure. (1) The
 9 department shall include in the minimum standards for
 10 day-care centers the following requirements:

11 (a) The applicant, his employees, and all those persons
 12 who will come in direct contact with the children are of
 13 good character.

14 (b) The staff of the day-care facility is sufficient in
 15 number as provided by rule to provide adequate supervision
 16 and care of the children in the facility.

17 (c) Essential programs and practices carried on by the
 18 facility staff are developed and carried out with due regard
 19 for the protection of the health, safety, development, and
 20 well-being of the children.

21 (d) Applicant and staff are qualified by practical
 22 experience or education or training to give good care and
 23 treatment to the children.

24 (e) Intake records are kept on each child admitted for
 25 care.

1 (f) The applicant and staff limit admissions to the
 2 maximum number indicated on the current license.

3 (g) The applicant will arrange for the necessary
 4 precautions to guard against communicable diseases.

5 (h) The applicant shall require proof that a child
 6 under 5 years of age has been immunized against Haemophilus
 7 influenza type "b" before admitting the child for care in
 8 the facility.

9 ~~(h)(i)~~ Public liability insurance and fire insurance
 10 are currently in force for the protection of the operator,
 11 his staff, and the facility.

12 ~~(i)(j)~~ Specify the ages and numbers of children that
 13 may be cared for in a day care facility.

14 (2) It is the duty of the department or its authorized
 15 representative to assist applicants in meeting the minimum
 16 requirements."

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0372, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring that children entering a preschool or licensed day-care facility be immunized against meningitis; and amending Sections 20-5-403, 20-5-404, and 52-2-723, MCA.

ASSUMPTIONS:

Department of Family Services:

1. DFS current licensing standards require day-care providers to have a checklist of immunizations required from day-care applicants on a form provided by DFS.
2. Adding this category to the current DFS form will not have a fiscal impact on DFS.

Department of Health and Environmental Sciences:


3. This will have no impact on the Immunization Program of the DHES.


Superintendent of Public Instruction:

4. No fiscal impact on state or school districts for the additional immunization requirement.

FISCAL IMPACT:

None.


ROD SUNDSTED, BUDGET DIRECTOR 2-18-91 DATE
Office of Budget and Program Planning


JUDY H. JACOBSON, PRIMARY SPONSOR 2/24/91 DATE
Fiscal Note for SB0372, as introduced **SB 372**

SENATE BILL NO. 372

INTRODUCED BY JACOBSON, MESSMORE, HANSEN,
WATERMAN, BARNHART, J. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CHILDREN ENTERING A PRESCHOOL OR LICENSED DAY-CARE FACILITY BE IMMUNIZED AGAINST MENINGITIS; AND AMENDING SECTIONS 20-5-403, 20-5-404, AND 52-2-723 52-2-735, MCA; AND PROVIDING EFFECTIVE DATES."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE IT AMENDS 52-2-735 TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES TO REQUIRE CHILDREN UNDER 5 YEARS OF AGE TO BE IMMUNIZED AGAINST HAEMOPHILUS INFLUENZA TYPE "B" BEFORE BEING ADMITTED TO A DAY-CARE CENTER UNLESS AN EXEMPTION HAS BEEN CLAIMED AS PROVIDED IN 20-5-405.

IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT ADOPT RULES SIMILAR TO RULES ESTABLISHED FOR ADMINISTRATION OF THE SCHOOL IMMUNIZATION LAWS, TITLE 20, CHAPTER 5, PART 4.

FURTHERMORE, IT IS INTENDED THAT RULES ALLOW PERSONS TO CLAIM A RELIGIOUS OR MEDICAL EXEMPTION FROM THE IMMUNIZATION REQUIREMENTS CONTAINED IN 52-2-735 IN THE SAME MANNER AS

PROVIDED IN 20-5-405.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-403, MCA, is amended to read:

"20-5-403. Immunization required -- release and acceptance of immunization records. (1) The governing authority of any school other than a postsecondary school may not allow any person to commence attendance as a pupil unless the person:

(a) has been immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles (rubeola) in the manner and with immunizing agents approved by the department, except that pertussis vaccination is not required for a person 7 years of age or older;

(b) has been immunized against Haemophilus influenza type "b" before enrolling in a preschool if under 5 years of age;

(c) qualifies for conditional attendance; or
(d) files for an exemption.

(2) (a) The governing authority of a postsecondary school may not allow any person to commence attendance as a pupil unless the person:

(i) has been immunized against rubella and measles (rubeola) in the manner and with immunizing agents approved by the department; or

(ii) files for an exemption.

(b) The governing authority of a postsecondary school may impose immunization requirements as a condition of attendance that are more stringent than those required by this part.

(3) A pupil who transfers from one school district to another may photocopy immunization records in the possession of the school of origin. The school district to which a pupil transfers shall accept the photocopy as evidence of immunization. Within 30 days after a transferring pupil ceases attendance at the school of origin, the school shall send the original immunization records for the pupil to the school district to which the pupil transfers."

Section 2. Section 20-5-404, MCA, is amended to read:

"20-5-404. Conditional attendance. The governing authority of a school other than a postsecondary school may allow the commencement of attendance in school by a person who has not been immunized against each disease listed in 20-5-403 if that person has received one or more doses of polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, Haemophilus influenza type "b", and tetanus vaccine, except that pertussis vaccine is not required for a person 7 years of age or older and Haemophilus influenza type "b" vaccine is required only for children under 5 years of age."

~~Section 3. Section 52-2-723, MCA, is amended to read:~~

~~"52-2-723. Requirements for licensure. (1) The department shall include in the minimum standards for day-care centers the following requirements:~~

~~(a) The applicant, his employees, and all those persons who will come in direct contact with the children are of good character;~~

~~(b) The staff of the day-care facility is sufficient in number as provided by rule to provide adequate supervision and care of the children in the facility;~~

~~(c) Essential programs and practices carried on by the facility staff are developed and carried out with due regard for the protection of the health, safety, development, and well-being of the children;~~

~~(d) Applicant and staff are qualified by practical experience or education or training to give good care and treatment to the children;~~

~~(e) Intake records are kept on each child admitted for care;~~

~~(f) The applicant and staff limit admissions to the maximum number indicated on the current license;~~

~~(g) The applicant will arrange for the necessary precautions to guard against communicable diseases;~~

~~(h) The applicant shall require proof that a child under 5 years of age has been immunized against Haemophilus~~

1 ~~influenza type "b" before admitting the child for care in~~
2 ~~the facility.~~

3 ~~{h}{i} Public liability insurance and fire insurance~~
4 ~~are currently in force for the protection of the operator,~~
5 ~~his staff, and the facility.~~

6 ~~{i}{j} Specify the ages and numbers of children that~~
7 ~~may be cared for in a day-care facility.~~

8 ~~{2} It is the duty of the department or its authorized~~
9 ~~representative to assist applicants in meeting the minimum~~
10 ~~requirements."~~

11 **SECTION 3. SECTION 52-2-735, MCA, IS AMENDED TO READ:**

12 **"52-2-735. Health protection -- certification required.**

13 (1) The department of health and environmental sciences
14 shall adopt rules for the protection of children in day-care
15 centers from the health hazards of inadequate food
16 preparation, poor nutrition, and communicable diseases.
17 Rules adopted by the department must include rules requiring
18 children under 5 years of age to be immunized against
19 Haemophilus influenza type "b" before being admitted for
20 care in the facility unless an exemption has been claimed as
21 provided in 20-5-405.

22 (2) Local public health authorities shall arrange to
23 provide training to day-care center providers and employees
24 regarding health hazards. Upon successful completion of the
25 training the local public health authorities shall issue

1 certificates to the providers and employees.

2 (3) In lieu of training, local public health
3 authorities may elect to inspect facilities and issue
4 certificates of approval to child-care center providers.

5 (4) Each applicant for a license to operate a day-care
6 center shall submit to the department a certificate issued
7 pursuant to subsection (2) or (3) before the department will
8 issue a license.

9 (5) The local public health authority may charge the
10 applicant a reasonable fee, not to exceed \$25, for any
11 inspection necessary to issue a certificate of approval, or
12 a fee not to exceed the documented cost for training it
13 provides under this section."

14 **NEW SECTION. SECTION 4. EFFECTIVE DATES. (1) [SECTIONS**
15 **1 AND 2] ARE EFFECTIVE JULY 1, 1991.**

16 **(2) [SECTION 3 AND THIS SECTION] ARE EFFECTIVE ON**
17 **PASSAGE AND APPROVAL, EXCEPT THAT RULES ADOPTED BY THE**
18 **DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY NOT BE**
19 **IMPLEMENTED PRIOR TO JULY 1, 1991."**

-End-

1 SENATE BILL NO. 372

2 INTRODUCED BY JACOBSON, MESSMORE, HANSEN,

3 WATERMAN, BARNHART, J. BROWN

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CHILDREN
6 ENTERING A PRESCHOOL OR LICENSED DAY-CARE FACILITY BE
7 IMMUNIZED AGAINST MENINGITIS; AND AMENDING SECTIONS
8 20-5-403, 20-5-404, AND ~~52-2-723~~ 52-2-735, MCA; AND
9 PROVIDING EFFECTIVE DATES."

10
11 STATEMENT OF INTENT

12 A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE
13 IT AMENDS 52-2-735 TO REQUIRE THE DEPARTMENT OF HEALTH AND
14 ENVIRONMENTAL SCIENCES TO ADOPT RULES TO REQUIRE CHILDREN
15 UNDER 5 YEARS OF AGE TO BE IMMUNIZED AGAINST HAEMOPHILUS
16 INFLUENZA TYPE "B" BEFORE BEING ADMITTED TO A DAY-CARE
17 CENTER UNLESS AN EXEMPTION HAS BEEN CLAIMED AS PROVIDED IN
18 20-5-405.

19 IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT
20 ADOPT RULES SIMILAR TO RULES ESTABLISHED FOR ADMINISTRATION
21 OF THE SCHOOL IMMUNIZATION LAWS, TITLE 20, CHAPTER 5, PART
22 4.

23 FURTHERMORE, IT IS INTENDED THAT RULES ALLOW PERSONS TO
24 CLAIM A RELIGIOUS OR MEDICAL EXEMPTION FROM THE IMMUNIZATION
25 REQUIREMENTS CONTAINED IN 52-2-735 IN THE SAME MANNER AS

1 PROVIDED IN 20-5-405.2
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:4 **Section 1.** Section 20-5-403, MCA, is amended to read:

5 "20-5-403. Immunization required -- release and
6 acceptance of immunization records. (1) The governing
7 authority of any school other than a postsecondary school
8 may not allow any person to commence attendance as a pupil
9 unless the person:

10 (a) has been immunized against diphtheria, pertussis,
11 tetanus, poliomyelitis, rubella, mumps, and measles
12 (rubeola) in the manner and with immunizing agents approved
13 by the department, except that pertussis vaccination is not
14 required for a person 7 years of age or older;

15 (b) has been immunized against Haemophilus influenza
16 type "b" before enrolling in a preschool if under 5 years of
17 age;

18 ~~(b)~~(c) qualifies for conditional attendance; or19 ~~(c)~~(d) files for an exemption.

20 (2) (a) The governing authority of a postsecondary
21 school may not allow any person to commence attendance as a
22 pupil unless the person:

23 (i) has been immunized against rubella and measles
24 (rubeola) in the manner and with immunizing agents approved
25 by the department; or

1 (ii) files for an exemption.

2 (b) The governing authority of a postsecondary school
3 may impose immunization requirements as a condition of
4 attendance that are more stringent than those required by
5 this part.

6 (3) A pupil who transfers from one school district to
7 another may photocopy immunization records in the possession
8 of the school of origin. The school district to which a
9 pupil transfers shall accept the photocopy as evidence of
10 immunization. Within 30 days after a transferring pupil
11 ceases attendance at the school of origin, the school shall
12 send the original immunization records for the pupil to the
13 school district to which the pupil transfers."

14 **Section 2.** Section 20-5-404, MCA, is amended to read:

15 "20-5-404. **Conditional attendance.** The governing
16 authority of a school other than a postsecondary school may
17 allow the commencement of attendance in school by a person
18 who has not been immunized against each disease listed in
19 20-5-403 if that person has received one or more doses of
20 polio, measles (rubeola), mumps, rubella, diphtheria,
21 pertussis, Haemophilus influenza type "b", and tetanus
22 vaccine, except that pertussis vaccine is not required for a
23 person 7 years of age or older and Haemophilus influenza
24 type "b" vaccine is required only for children under 5 years
25 of age."

1 ~~Section 3. Section 52-2-723, MCA, is amended to read:~~
2 ~~"52-2-723. Requirements for licensure. (1) The~~
3 ~~department shall include in the minimum standards for~~
4 ~~day-care centers the following requirements:~~
5 ~~(a) The applicant, his employees, and all those persons~~
6 ~~who will come in direct contact with the children are of~~
7 ~~good character.~~
8 ~~(b) The staff of the day-care facility is sufficient in~~
9 ~~number as provided by rule to provide adequate supervision~~
10 ~~and care of the children in the facility.~~
11 ~~(c) Essential programs and practices carried on by the~~
12 ~~facility staff are developed and carried out with due regard~~
13 ~~for the protection of the health, safety, development, and~~
14 ~~well-being of the children.~~
15 ~~(d) Applicant and staff are qualified by practical~~
16 ~~experience or education or training to give good care and~~
17 ~~treatment to the children.~~
18 ~~(e) Intake records are kept on each child admitted for~~
19 ~~care.~~
20 ~~(f) The applicant and staff limit admissions to the~~
21 ~~maximum number indicated on the current license.~~
22 ~~(g) The applicant will arrange for the necessary~~
23 ~~precautions to guard against communicable diseases.~~
24 ~~(h) The applicant shall require proof that a child~~
25 ~~under 5 years of age has been immunized against Haemophilus~~

~~influenza-type-"b" before admitting the child for care in the facility.~~

~~(h)(i) Public liability insurance and fire insurance are currently in force for the protection of the operator, his staff, and the facility.~~

~~(i)(j) Specify the ages and numbers of children that may be cared for in a day-care facility.~~

~~(2) It is the duty of the department or its authorized representative to assist applicants in meeting the minimum requirements."~~

SECTION 3. SECTION 52-2-735, MCA, IS AMENDED TO READ:

"52-2-735. Health protection -- certification required.

(1) The department of health and environmental sciences shall adopt rules for the protection of children in day-care centers from the health hazards of inadequate food preparation, poor nutrition, and communicable diseases. Rules adopted by the department must include rules requiring children under 5 years of age to be immunized against Haemophilus influenza type "b" before being admitted for care in the facility unless an exemption has been claimed as provided in 20-5-405.

(2) Local public health authorities shall arrange to provide training to day-care center providers and employees regarding health hazards. Upon successful completion of the training the local public health authorities shall issue

certificates to the providers and employees.

(3) In lieu of training, local public health authorities may elect to inspect facilities and issue certificates of approval to child-care center providers.

(4) Each applicant for a license to operate a day-care center shall submit to the department a certificate issued pursuant to subsection (2) or (3) before the department will issue a license.

(5) The local public health authority may charge the applicant a reasonable fee, not to exceed \$25, for any inspection necessary to issue a certificate of approval, or a fee not to exceed the documented cost for training it provides under this section."

NEW SECTION. SECTION 4. EFFECTIVE DATES. (1) [SECTIONS 1 AND 2] ARE EFFECTIVE JULY 1, 1991.

(2) [SECTION 3 AND THIS SECTION] ARE EFFECTIVE ON PASSAGE AND APPROVAL, EXCEPT THAT RULES ADOPTED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY NOT BE IMPLEMENTED PRIOR TO JULY 1, 1991."

-End-

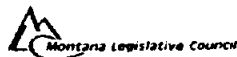
1 SENATE BILL NO. 372
 2 INTRODUCED BY JACOBSON, MESSMORE, HANSEN,
 3 WATERMAN, BARNHART, J. BROWN
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CHILDREN
 6 ENTERING A PRESCHOOL OR LICENSED DAY-CARE FACILITY BE
 7 IMMUNIZED AGAINST MENINGITIS; AND AMENDING SECTIONS
 8 20-5-403, 20-5-404, AND 52-2-723 52-2-735, MCA; AND
 9 PROVIDING EFFECTIVE DATES."

10
 11 STATEMENT OF INTENT
 12 A STATEMENT OF INTENT IS REQUIRED FOR THIS BILL BECAUSE
 13 IT AMENDS 52-2-735 TO REQUIRE THE DEPARTMENT OF HEALTH AND
 14 ENVIRONMENTAL SCIENCES TO ADOPT RULES TO REQUIRE CHILDREN
 15 UNDER 5 YEARS OF AGE TO BE IMMUNIZED AGAINST HAEMOPHILUS
 16 INFLUENZA TYPE "B" BEFORE BEING ADMITTED TO A DAY-CARE
 17 CENTER UNLESS AN EXEMPTION HAS BEEN CLAIMED AS PROVIDED IN
 18 20-5-405.

19 IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT
 20 ADOPT RULES SIMILAR TO RULES ESTABLISHED FOR ADMINISTRATION
 21 OF THE SCHOOL IMMUNIZATION LAWS, TITLE 20, CHAPTER 5, PART
 22 4.

23 FURTHERMORE, IT IS INTENDED THAT RULES ALLOW PERSONS TO
 24 CLAIM A RELIGIOUS OR MEDICAL EXEMPTION FROM THE IMMUNIZATION
 25 REQUIREMENTS CONTAINED IN 52-2-735 IN THE SAME MANNER AS

1 PROVIDED IN 20-5-405.
 2
 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 4 **Section 1.** Section 20-5-403, MCA, is amended to read:
 5 "20-5-403. Immunization required -- release and
 6 acceptance of immunization records. (1) The governing
 7 authority of any school other than a postsecondary school
 8 may not allow any person to commence attendance as a pupil
 9 unless the person:
 10 (a) has been immunized against diphtheria, pertussis,
 11 tetanus, poliomyelitis, rubella, mumps, and measles
 12 (rubeola) in the manner and with immunizing agents approved
 13 by the department, except that pertussis vaccination is not
 14 required for a person 7 years of age or older;
 15 (b) has been immunized against Haemophilus influenza
 16 type "b" before enrolling in a preschool if under 5 years of
 17 age;
 18 **(b)(c)** qualifies for conditional attendance; or
 19 **(c)(d)** files for an exemption.
 20 (2) (a) The governing authority of a postsecondary
 21 school may not allow any person to commence attendance as a
 22 pupil unless the person:
 23 (i) has been immunized against rubella and measles
 24 (rubeola) in the manner and with immunizing agents approved
 25 by the department; or



1 (ii) files for an exemption.

2 (b) The governing authority of a postsecondary school
3 may impose immunization requirements as a condition of
4 attendance that are more stringent than those required by
5 this part.

6 (3) A pupil who transfers from one school district to
7 another may photocopy immunization records in the possession
8 of the school of origin. The school district to which a
9 pupil transfers shall accept the photocopy as evidence of
10 immunization. Within 30 days after a transferring pupil
11 ceases attendance at the school of origin, the school shall
12 send the original immunization records for the pupil to the
13 school district to which the pupil transfers."

14 **Section 2.** Section 20-5-404, MCA, is amended to read:

15 **"20-5-404. Conditional attendance.** The governing
16 authority of a school other than a postsecondary school may
17 allow the commencement of attendance in school by a person
18 who has not been immunized against each disease listed in
19 20-5-403 if that person has received one or more doses of
20 polio, measles (rubeola), mumps, rubella, diphtheria,
21 pertussis, Haemophilus influenza type "b", and tetanus
22 vaccine, except that pertussis vaccine is not required for a
23 person 7 years of age or older and Haemophilus influenza
24 type "b" vaccine is required only for children under 5 years
25 of age."

1 ~~Section 3. Section 52-2-723, MCA, is amended to read:~~
2 ~~"52-2-723. Requirements for licensure. (i) The~~
3 ~~department shall include in the minimum standards for~~
4 ~~day-care centers the following requirements:~~
5 ~~(a) The applicant, his employees, and all those persons~~
6 ~~who will come in direct contact with the children are of~~
7 ~~good character.~~
8 ~~(b) The staff of the day-care facility is sufficient in~~
9 ~~number as provided by rule to provide adequate supervision~~
10 ~~and care of the children in the facility.~~
11 ~~(c) Essential programs and practices carried on by the~~
12 ~~facility staff are developed and carried out with due regard~~
13 ~~for the protection of the health, safety, development, and~~
14 ~~well-being of the children.~~
15 ~~(d) Applicant and staff are qualified by practical~~
16 ~~experience or education or training to give good care and~~
17 ~~treatment to the children.~~
18 ~~(e) Intake records are kept on each child admitted for~~
19 ~~care.~~
20 ~~(f) The applicant and staff limit admissions to the~~
21 ~~maximum number indicated on the current license.~~
22 ~~(g) The applicant will arrange for the necessary~~
23 ~~precautions to guard against communicable diseases.~~
24 ~~(h) The applicant shall require proof that a child~~
25 ~~under 5 years of age has been immunized against Haemophilus~~

1 ~~influenza-type-"b"-before-admitting-the-child-for-care-in~~
2 ~~the-facility;~~

3 ~~(h)(i) Public-liability-insurance-and-fire-insurance~~
4 ~~are-currently-in-force-for-the-protection-of-the-operator,~~
5 ~~his-staff, and-the-facility;~~

6 ~~(i)(j) Specify-the-ages-and-numbers-of-children-that~~
7 ~~may-be-cared-for-in-a-day-care-facility;~~

8 ~~(2)--It-is-the-duty-of-the-department-or-its-authorized~~
9 ~~representative--to--assist-applicants-in-meeting-the-minimum~~
10 ~~requirements."~~

11 **SECTION 3. SECTION 52-2-735, MCA, IS AMENDED TO READ:**

12 **"52-2-735. Health protection -- certification required.**
13 (1) The department of health and environmental sciences
14 shall adopt rules for the protection of children in day-care
15 centers from the health hazards of inadequate food
16 preparation, poor nutrition, and communicable diseases.
17 Rules adopted by the department must include rules requiring
18 children under 5 years of age to be immunized against
19 Haemophilus influenza type "b" before being admitted for
20 care in the facility unless an exemption has been claimed as
21 provided in 20-5-405.

22 (2) Local public health authorities shall arrange to
23 provide training to day-care center providers and employees
24 regarding health hazards. Upon successful completion of the
25 training the local public health authorities shall issue

1 certificates to the providers and employees.

2 (3) In lieu of training, local public health
3 authorities may elect to inspect facilities and issue
4 certificates of approval to child-care center providers.

5 (4) Each applicant for a license to operate a day-care
6 center shall submit to the department a certificate issued
7 pursuant to subsection (2) or (3) before the department will
8 issue a license.

9 (5) The local public health authority may charge the
10 applicant a reasonable fee, not to exceed \$25, for any
11 inspection necessary to issue a certificate of approval, or
12 a fee not to exceed the documented cost for training it
13 provides under this section."

14 **NEW SECTION. SECTION 4. EFFECTIVE DATES. (1) [SECTIONS**
15 **1 AND 2] ARE EFFECTIVE JULY 1, 1991.**

16 **(2) [SECTION 3 AND THIS SECTION] ARE EFFECTIVE ON**
17 **PASSAGE AND APPROVAL, EXCEPT THAT RULES ADOPTED BY THE**
18 **DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY NOT BE**
19 **IMPLEMENTED PRIOR TO JULY 1, 1991."**

-End-