



General Assembly

February Session, 2002

Raised Bill No. 5289

LCO No. 1016

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING THE USE OF EPIPENS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 19a-79 of the general statutes, as
2 amended by section 48 of public act 01-4 of the June special session, is
3 repealed and the following is substituted in lieu thereof (*Effective*
4 *October 1, 2002*):

5 (a) The Commissioner of Public Health shall adopt regulations, in
6 accordance with the provisions of chapter 54, to carry out the purposes
7 of sections 19a-77 to 19a-80, inclusive, as amended, and 19a-82 to 19a-
8 87, inclusive, and to assure that child day care centers and group day
9 care homes shall meet the health, educational and social needs of
10 children utilizing such child day care centers and group day care
11 homes. Such regulations shall (1) specify that before being permitted to
12 attend any child day care center or group day care home, each child
13 shall be protected as age-appropriate by adequate immunization
14 against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps,
15 rubella, hemophilus influenzae type B and any other vaccine required
16 by the schedule of active immunization adopted pursuant to section
17 19a-7f, including appropriate exemptions for children for whom such

18 immunization is medically contraindicated and for children whose
19 parents object to such immunization on religious grounds, (2) specify
20 conditions under which child day care center directors and teachers
21 and group day care home providers may administer tests to monitor
22 glucose levels in a child with diagnosed diabetes mellitus, and
23 administer medicinal preparations, including controlled drugs
24 specified in the regulations by the commissioner, to a child receiving
25 child day care services at such child day care center or group day care
26 home pursuant to the written order of a physician licensed to practice
27 medicine or a dentist licensed to practice dental medicine in this or
28 another state, or an advanced practice registered nurse licensed to
29 prescribe in accordance with section 20-94a, or a physician assistant
30 licensed to prescribe in accordance with section 20-12d, and the written
31 authorization of a parent or guardian of such child, (3) specify that an
32 operator of a child day care center or group day care home, licensed
33 before January 1, 1986, or an operator who receives a license after
34 January 1, 1986, for a facility licensed prior to January 1, 1986, shall
35 provide a minimum of thirty square feet per child of total indoor
36 usable space, free of furniture except that needed for the children's
37 purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens,
38 halls, isolation room or other rooms used for purposes other than the
39 activities of the children, (4) specify that a child day care center or
40 group day care home licensed after January 1, 1986, shall provide
41 thirty-five square feet per child of total indoor usable space, [and] (5)
42 establish appropriate child day care center staffing requirements for
43 employees certified in cardiopulmonary resuscitation by the American
44 Red Cross or the American Heart Association, (6) specify that on and
45 after October 1, 2002, a child day care center or group day care home
46 shall not deny services to a child on the basis of a child's known or
47 suspected allergy or because a child has a prescription for an Epipen,
48 (7) specify that a child day care center or group day care home that
49 enrolls a child with a prescription for an Epipen, shall have trained
50 staff, in accordance with regulations adopted by the Commissioner of
51 Public Health, in accordance with chapter 54, providing for the

52 administration of medications, on site during all hours when such a
53 child is allowed on site, within three weeks of such child's enrollment
54 in such a center or home, (8) specify that a child day care center or
55 group day care home that enrolls a child with a prescription for an
56 Epipen, shall require such child's parent or guardian to provide a copy
57 of the prescription for an Epipen and the Epipen upon enrollment, and
58 (9) specify that a parent or guardian enrolling a child with a
59 prescription for an Epipen in a child day care center or group day care
60 home shall be responsible for ensuring that the Epipen to be used at
61 such center or home is replaced prior to its expiration date.

62 Sec. 2. Subsection (c) of section 19a-87b of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective*
64 *October 1, 2002*):

65 (c) The Commissioner of Public Health shall adopt regulations, in
66 accordance with the provisions of chapter 54, to assure that family day
67 care homes, as defined in section 19a-77, shall meet the health,
68 educational and social needs of children utilizing such homes. Such
69 regulations shall ensure that the family day care home is treated as a
70 residence, and not an institutional facility. Such regulations shall
71 specify that each child be protected as age-appropriate by adequate
72 immunization against diphtheria, pertussis, tetanus, poliomyelitis,
73 measles, mumps, rubella, hemophilus influenzae type B and any other
74 vaccine required by the schedule of active immunization adopted
75 pursuant to section 19a-7f. Such regulations shall provide appropriate
76 exemptions for children for whom such immunization is medically
77 contraindicated and for children whose parents object to such
78 immunization on religious grounds. Such regulations shall also specify
79 conditions under which family day care home providers may
80 administer tests to monitor glucose levels in a child with diagnosed
81 diabetes mellitus, and administer medicinal preparations, including
82 controlled drugs specified in the regulations by the commissioner, to a
83 child receiving day care services at a family day care home pursuant to
84 a written order of a physician licensed to practice medicine in this or

85 another state, an advanced practice registered nurse licensed to
86 prescribe in accordance with section 20-94a or a physician assistant
87 licensed to prescribe in accordance with section 20-12d, and the written
88 authorization of a parent or guardian of such child. Such regulations
89 shall specify appropriate standards for extended care and intermittent
90 short-term overnight care. Such regulations shall also specify that a
91 family day care home (1) on and after October 1, 2002, shall not deny
92 services to a child on the basis of a child's known or suspected allergy
93 or because a child has a prescription for an Epipen, (2) that enrolls a
94 child with a prescription for an Epipen, shall have trained staff, in
95 accordance with regulations adopted by the Commissioner of Public
96 Health, in accordance with chapter 54, providing for the
97 administration of medications, on site during all hours when such a
98 child is allowed on site, within three weeks of such child's enrollment
99 in such a home, (3) that enrolls a child with a prescription for an
100 Epipen, shall require such child's parent or guardian to provide a copy
101 of the prescription for an Epipen and the Epipen upon enrollment, and
102 (4) enrolls a child with a prescription for an Epipen shall hold the
103 parent or guardian responsible for ensuring that the Epipen to be used
104 at such home is replaced prior to its expiration date. The commissioner
105 shall inform each licensee, by way of a plain language summary
106 provided not later than sixty days after the regulation's effective date,
107 of any new or changed regulations adopted under this subsection with
108 which a licensee must comply.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

Statement of Purpose:

To require the Commissioner of Public Health to adopt regulations concerning the use of Epipens at child day care centers, group day care homes and family day care homes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]