



General Assembly

Amendment

January Session, 2021

LCO No. 7421



Offered by:
SEN. SOMERS, 18th Dist.

To: Subst. House Bill No. 6423 File No. 431 Cal. No. 320

(As Amended by House Amendment Schedules "A" and "G")

"AN ACT CONCERNING IMMUNIZATIONS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 10-204a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2021*):

5 (a) [Each] Except as provided in subsection (d) of this section, each
6 local or regional board of education, or similar body governing a
7 nonpublic school or schools, shall require each child to be protected by
8 adequate immunization against diphtheria, pertussis, tetanus,
9 poliomyelitis, measles, mumps, rubella, [hemophilus] haemophilus
10 influenzae type B and any other vaccine required by the schedule for
11 active immunization adopted pursuant to section 19a-7f before being
12 permitted to enroll in any program operated by a public or nonpublic
13 school under its jurisdiction. Before being permitted to enter seventh
14 grade, a child shall receive a second immunization against measles. Any

15 such child who (1) presents a certificate from a physician, physician
16 assistant, advanced practice registered nurse or local health agency
17 stating that initial immunizations have been given to such child and
18 additional immunizations are in process under guidelines and
19 schedules specified by the Commissioner of Public Health; or (2)
20 presents a certificate from a physician, physician assistant or advanced
21 practice registered nurse stating that in the opinion of such physician,
22 physician assistant or advanced practice registered nurse such
23 immunization is medically contraindicated because of the physical
24 condition of such child; or (3) presents a statement from the parents or
25 guardian of such child that such immunization would be contrary to the
26 religious beliefs of such child or the parents or guardian of such child,
27 which statement shall be acknowledged, in accordance with the
28 provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a court of
29 record or a family support magistrate, (B) a clerk or deputy clerk of a
30 court having a seal, (C) a town clerk, (D) a notary public, (E) a justice of
31 the peace, (F) an attorney admitted to the bar of this state, or (G)
32 notwithstanding any provision of chapter 6, a school nurse; or (4) in the
33 case of measles, mumps or rubella, presents a certificate from a
34 physician, physician assistant or advanced practice registered nurse or
35 from the director of health in such child's present or previous town of
36 residence, stating that the child has had a confirmed case of such
37 disease; or (5) in the case of [hemophilus] haemophilus influenzae type
38 B has passed his fifth birthday; or (6) in the case of pertussis, has passed
39 his sixth birthday, shall be exempt from the appropriate provisions of
40 this section. If the parents or guardians of any child are unable to pay
41 for such immunizations, the expense of such immunizations shall, on
42 the recommendations of such board of education, be paid by the town.
43 Before being permitted to enter seventh grade, the parents or guardian
44 of any child who is exempt on religious grounds from the immunization
45 requirements of this section, pursuant to subdivision (3) of this
46 subsection, shall present to such school a statement that such
47 immunization requirements are contrary to the religious beliefs of such
48 child or the parents or guardian of such child, which statement shall be
49 acknowledged, in accordance with the provisions of sections 1-32, 1-34

50 and 1-35, by (A) a judge of a court of record or a family support
51 magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a town
52 clerk, (D) a notary public, (E) a justice of the peace, (F) an attorney
53 admitted to the bar of this state, or (G) notwithstanding any provision
54 of chapter 6, a school nurse.

55 (b) The definitions of adequate immunization shall reflect the
56 schedule for active immunization adopted pursuant to section 19a-7f
57 and be established by regulation adopted in accordance with the
58 provisions of chapter 54 by the Commissioner of Public Health, who
59 shall also be responsible for providing procedures under which said
60 boards and said similar governing bodies shall collect and report
61 immunization data on each child to the Department of Public Health for
62 compilation and analysis by said department.

63 (c) The Commissioner of Public Health may issue a temporary waiver
64 to the schedule for active immunization for any vaccine if the National
65 Centers for Disease Control and Prevention recognizes a nation-wide
66 shortage of supply for such vaccine.

67 (d) Notwithstanding the provisions of subsection (a) of this section,
68 no local or regional board of education, or similar body governing a
69 nonpublic school or schools, shall require any child to be protected by
70 adequate immunization against hepatitis B, human papillomavirus or
71 tetanus before being permitted to enroll in any program operated by a
72 public or nonpublic school under its jurisdiction.

73 Sec. 2. Subsection (a) of section 19a-79 of the general statutes is
74 repealed and the following is substituted in lieu thereof (*Effective July 1,*
75 *2021*):

76 (a) The Commissioner of Early Childhood shall adopt regulations, in
77 accordance with the provisions of chapter 54, to carry out the purposes
78 of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive,
79 and to assure that child care centers and group child care homes meet
80 the health, educational and social needs of children utilizing such child
81 care centers and group child care homes. Such regulations shall (1)

82 specify that before being permitted to attend any child care center or
83 group child care home, each child shall be protected as age-appropriate
84 by adequate immunization against diphtheria, pertussis, tetanus,
85 poliomyelitis, measles, mumps, rubella, [hemophilus] haemophilus
86 influenzae type B and any other vaccine required by the schedule of
87 active immunization adopted pursuant to section 19a-7f, except any
88 vaccine providing immunization against hepatitis B, human
89 papillomavirus or tetanus, including appropriate exemptions for
90 children for whom such immunization is medically contraindicated and
91 for children whose parent or guardian objects to such immunization on
92 religious grounds, and that any objection by a parent or a guardian to
93 immunization of a child on religious grounds shall be accompanied by
94 a statement from such parent or guardian that such immunization
95 would be contrary to the religious beliefs of such child or the parent or
96 guardian of such child, which statement shall be acknowledged, in
97 accordance with the provisions of sections 1-32, 1-34 and 1-35, by (A) a
98 judge of a court of record or a family support magistrate, (B) a clerk or
99 deputy clerk of a court having a seal, (C) a town clerk, (D) a notary
100 public, (E) a justice of the peace, or (F) an attorney admitted to the bar
101 of this state, (2) specify conditions under which child care center
102 directors and teachers and group child care home providers may
103 administer tests to monitor glucose levels in a child with diagnosed
104 diabetes mellitus, and administer medicinal preparations, including
105 controlled drugs specified in the regulations by the commissioner, to a
106 child receiving child care services at such child care center or group
107 child care home pursuant to the written order of a physician licensed to
108 practice medicine or a dentist licensed to practice dental medicine in this
109 or another state, or an advanced practice registered nurse licensed to
110 prescribe in accordance with section 20-94a, or a physician assistant
111 licensed to prescribe in accordance with section 20-12d, and the written
112 authorization of a parent or guardian of such child, (3) specify that an
113 operator of a child care center or group child care home, licensed before
114 January 1, 1986, or an operator who receives a license after January 1,
115 1986, for a facility licensed prior to January 1, 1986, shall provide a
116 minimum of thirty square feet per child of total indoor usable space, free

117 of furniture except that needed for the children's purposes, exclusive of
118 toilet rooms, bathrooms, coatrooms, kitchens, halls, isolation room or
119 other rooms used for purposes other than the activities of the children,
120 (4) specify that a child care center or group child care home licensed
121 after January 1, 1986, shall provide thirty-five square feet per child of
122 total indoor usable space, (5) establish appropriate child care center
123 staffing requirements for employees certified in cardiopulmonary
124 resuscitation by the American Red Cross, the American Heart
125 Association, the National Safety Council, American Safety and Health
126 Institute, Medic First Aid International, Inc. or an organization using
127 guidelines for cardiopulmonary resuscitation and emergency
128 cardiovascular care published by the American Heart Association and
129 International Liaison Committee on Resuscitation, (6) specify that on
130 and after January 1, 2003, a child care center or group child care home
131 (A) shall not deny services to a child on the basis of a child's known or
132 suspected allergy or because a child has a prescription for an automatic
133 prefilled cartridge injector or similar automatic injectable equipment
134 used to treat an allergic reaction, or for injectable equipment used to
135 administer glucagon, (B) shall, not later than three weeks after such
136 child's enrollment in such a center or home, have staff trained in the use
137 of such equipment on-site during all hours when such a child is on-site,
138 (C) shall require such child's parent or guardian to provide the injector
139 or injectable equipment and a copy of the prescription for such
140 medication and injector or injectable equipment upon enrollment of
141 such child, and (D) shall require a parent or guardian enrolling such a
142 child to replace such medication and equipment prior to its expiration
143 date, (7) specify that on and after January 1, 2005, a child care center or
144 group child care home (A) shall not deny services to a child on the basis
145 of a child's diagnosis of asthma or because a child has a prescription for
146 an inhalant medication to treat asthma, and (B) shall, not later than three
147 weeks after such child's enrollment in such a center or home, have staff
148 trained in the administration of such medication on-site during all hours
149 when such a child is on-site, and (8) establish physical plant
150 requirements for licensed child care centers and licensed group child
151 care homes that exclusively serve school-age children. When

152 establishing such requirements, the Office of Early Childhood shall give
153 consideration to child care centers and group child care homes that are
154 located in private or public school buildings. With respect to this
155 subdivision only, the commissioner shall implement policies and
156 procedures necessary to implement the physical plant requirements
157 established pursuant to this subdivision while in the process of adopting
158 such policies and procedures in regulation form. Until replaced by
159 policies and procedures implemented pursuant to this subdivision, any
160 physical plant requirement specified in the office's regulations that is
161 generally applicable to child care centers and group child care homes
162 shall continue to be applicable to such centers and homes that
163 exclusively serve school-age children. The commissioner shall print
164 notice of the intent to adopt regulations pursuant to this subdivision on
165 the eRegulations System not later than twenty days after the date of
166 implementation of such policies and procedures. Policies and
167 procedures implemented pursuant to this subdivision shall be valid
168 until the time final regulations are adopted.

169 Sec. 3. Subsection (f) of section 19a-87b of the general statutes is
170 repealed and the following is substituted in lieu thereof (*Effective July 1,*
171 *2021*):

172 (f) The commissioner shall adopt regulations, in accordance with the
173 provisions of chapter 54, to assure that family child care homes, as
174 defined in section 19a-77, meet the health, educational and social needs
175 of children utilizing such homes. Such regulations shall ensure that the
176 family child care home is treated as a residence, and not an institutional
177 facility. Such regulations shall specify that each child be protected as
178 age-appropriate by adequate immunization against diphtheria,
179 pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
180 [hemophilus] haemophilus influenzae type B and any other vaccine
181 required by the schedule of active immunization adopted pursuant to
182 section 19a-7f, except any vaccine providing immunization against
183 hepatitis B, human papillomavirus or tetanus. Such regulations shall
184 provide appropriate exemptions for children for whom such
185 immunization is medically contraindicated and for children whose

186 parents or guardian objects to such immunization on religious grounds
 187 and require that any such objection be accompanied by a statement from
 188 such parents or guardian that such immunization would be contrary to
 189 the religious beliefs of such child or the parents or guardian of such
 190 child, which statement shall be acknowledged, in accordance with the
 191 provisions of sections 1-32, 1-34 and 1-35, by (1) a judge of a court of
 192 record or a family support magistrate, (2) a clerk or deputy clerk of a
 193 court having a seal, (3) a town clerk, (4) a notary public, (5) a justice of
 194 the peace, or (6) an attorney admitted to the bar of this state. Such
 195 regulations shall also specify conditions under which family child care
 196 home providers may administer tests to monitor glucose levels in a child
 197 with diagnosed diabetes mellitus, and administer medicinal
 198 preparations, including controlled drugs specified in the regulations by
 199 the commissioner, to a child receiving child care services at a family
 200 child care home pursuant to a written order of a physician licensed to
 201 practice medicine in this or another state, an advanced practice
 202 registered nurse licensed to prescribe in accordance with section 20-94a
 203 or a physician assistant licensed to prescribe in accordance with section
 204 20-12d, and the written authorization of a parent or guardian of such
 205 child. Such regulations shall specify appropriate standards for extended
 206 care and intermittent short-term overnight care. The commissioner shall
 207 inform each licensee, by way of a plain language summary provided not
 208 later than sixty days after the regulation's effective date, of any new or
 209 changed regulations adopted under this subsection with which a
 210 licensee must comply."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2021</i>	10-204a
Sec. 2	<i>July 1, 2021</i>	19a-79(a)
Sec. 3	<i>July 1, 2021</i>	19a-87b(f)