

General Assembly

Amendment

January Session, 2021

LCO No. 9761



Offered by:

REP. REBIMBAS, 70th Dist.

To: Subst. Senate Bill No. 2

File No. 246

Cal. No. 454

(As Amended)

"AN ACT CONCERNING SOCIAL EQUITY AND THE HEALTH, SAFETY AND EDUCATION OF CHILDREN."

- 1 After the last section, add the following and renumber sections and
- 2 internal references accordingly:
- 3 "Sec. 501. Section 10-204a of the general statutes is repealed and the
- 4 following is substituted in lieu thereof (*Effective from passage*):
- 5 (a) Each local or regional board of education, or similar body
- 6 governing a nonpublic school or schools, shall require each child to be
- 7 protected by adequate immunization against diphtheria, pertussis,
- 8 tetanus, poliomyelitis, measles, mumps, rubella, [hemophilus]
- 9 <u>haemophilus</u> influenzae type B and any other vaccine required by the
- schedule for active immunization adopted pursuant to section 19a-7f
- 11 before being permitted to enroll in any program operated by a public or
- 12 nonpublic school under its jurisdiction. Before being permitted to enter
- 13 seventh grade, a child shall receive a second immunization against

14 measles. Any such child who (1) presents a certificate from a physician, 15 physician assistant, advanced practice registered nurse or local health 16 agency stating that initial immunizations have been given to such child 17 and additional immunizations are in process under guidelines and 18 schedules specified by the Commissioner of Public Health; or (2) 19 presents a certificate, in a form prescribed by the commissioner, from a 20 physician, physician assistant or advanced practice registered nurse stating that in the opinion of such physician, physician assistant or 21 22 advanced practice registered nurse such immunization is medically 23 contraindicated because of the physical condition of such child; or (3) 24 [presents] prior to September 1, 2022, presented a statement from the 25 parents or guardian of such child that such immunization would be 26 contrary to the religious beliefs of such child or the parents or guardian 27 of such child, which statement shall be acknowledged, in accordance 28 with the provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a 29 court of record or a family support magistrate, (B) a clerk or deputy clerk 30 of a court having a seal, (C) a town clerk, (D) a notary public, (E) a justice 31 of 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] such child's fifth birthday; or (6) in the case of 39 pertussis, has passed [his] such child's sixth birthday, shall be exempt 40 from the appropriate provisions of this section. If the parents or 41 [guardians] guardian of any child are unable to pay for such 42 immunizations, the expense of such immunizations shall, on the 43 recommendations of such board of education, be paid by the town. 44 Before being permitted to enter seventh grade, the parents or guardian 45 of any child who is exempt on religious grounds from the immunization 46 requirements of this section, pursuant to subdivision (3) of this 47 subsection, shall present to such school a statement that such 48 immunization requirements are contrary to the religious beliefs of such

child or the parents or guardian of such child, which statement shall be acknowledged, in accordance with the provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a court of record or a family support magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a town clerk, (D) a notary public, (E) a justice of the peace, (F) an attorney admitted to the bar of this state, or (G) notwithstanding any provision of chapter 6, a school nurse.

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- (b) The definitions of adequate immunization shall reflect the schedule for active immunization adopted pursuant to section 19a-7f and be established by regulation adopted in accordance with the provisions of chapter 54 by the Commissioner of Public Health, who shall also be responsible for providing procedures under which [said] such boards and [said] such similar governing bodies shall collect and report immunization data on each child to the Department of Public Health for (1) compilation and analysis by [said] the department, and (2) release by the department of annual immunization rates for each public and nonpublic school in the state, provided such immunization data may not contain information that identifies a specific individual.
- (c) The Commissioner of Public Health may issue a temporary waiver
 to the schedule for active immunization for any vaccine if the National
 Centers for Disease Control and Prevention recognizes a nation-wide
 shortage of supply for such vaccine.
- Sec. 502. Section 10a-155 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- (a) Each institution of higher education shall require each full-time or matriculating student born after December 31, 1956, to provide proof of adequate immunization against measles, rubella, [and on and after August 1, 2010, to provide proof of adequate immunization against] mumps and varicella as recommended by the national Advisory Committee for Immunization Practices before permitting such student to enroll in such institution. [Any such]
- 80 (b) Notwithstanding the provisions of subsection (a) of this section,

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any student who (1) presents a certificate, in a form prescribed by the Commissioner of Public Health, from a physician, a physician assistant or an advanced practice registered nurse stating that in the opinion of such physician, physician assistant or advanced practice registered nurse such immunization is medically contraindicated, (2) [provides] prior to September 1, 2022, provided a statement that such immunization [would be] is contrary to his or her religious beliefs, (3) presents a certificate from a physician, a physician assistant, an advanced practice registered nurse or the director of health in the student's present or previous town of residence, stating that the student has had a confirmed case of such disease, (4) is enrolled exclusively in a program for which students do not congregate on campus for classes or to participate in institutional-sponsored events, such as students enrolled in distance learning programs for individualized home study or programs conducted entirely through electronic media in a setting without other students present, or (5) graduated from a public or nonpublic high school in this state in 1999 or later and was not exempt from the measles, rubella and [on and after August 1, 2010, the] mumps vaccination requirement pursuant to subdivision (2) or (3) of subsection (a) of section 10-204a, as amended by this act, shall be exempt from the appropriate provisions of this section.

[(b)] (c) Each institution of higher education shall keep uniform records of the immunizations and immunization status of each student, based on the certificate of immunization or other evidence acceptable pursuant to subsection [(a)] (b) of this section. The record shall be part of the student's permanent record. By November first of each year, the chief administrative officer of each institution of higher education shall cause to be submitted to the Commissioner of Public Health, on a form provided by the commissioner, a summary report of the immunization status of all students enrolling in such institution.

Sec. 503. Subsection (a) of section 10a-155b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For students who first enroll in the 2014-2015 school year, and first enroll in each school year thereafter, each public or private college or university in this state shall require that each student who resides in oncampus housing be vaccinated against meningitis and submit evidence of having received a meningococcal conjugate vaccine not more than five years before enrollment as a condition of such residence. The provisions of this subsection shall not apply to any such student who (1) presents a certificate, in a form prescribed by the Commissioner of Public Health, from a physician, an advanced practice registered nurse or a physician assistant stating that, in the opinion of such physician, advanced practice registered nurse or physician assistant, such vaccination is medically contraindicated because of the physical condition of such student, or (2) [presents] prior to September 1, 2022, presented a statement that such vaccination [would be] is contrary to the religious beliefs of such student.

Sec. 504. Section 19a-79 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Early Childhood shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive, and to assure that child care centers and group child care homes meet the health, educational and social needs of children utilizing such child care centers and group child care homes. Such regulations shall (1) specify that before being permitted to attend any child care center or group child care home, each child shall be protected as age-appropriate by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, [hemophilus] haemophilus influenzae type B and any other vaccine required by the schedule of active immunization adopted pursuant to section 19a-7f, [including appropriate exemptions for children for whom such immunization is medically contraindicated and for children whose parent or guardian objects to such immunization on religious grounds, and that any objection by a parent or a guardian to immunization of a child on religious grounds shall be accompanied by a statement from such parent

or guardian that such immunization would be contrary to the religious beliefs of such child or the parent or guardian of such child, which statement shall be acknowledged, in accordance with the provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a court of record or a family support magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a town clerk, (D) a notary public, (E) a justice of the peace, or (F) an attorney admitted to the bar of this state, (2) specify conditions under which child care center directors and teachers and group child care home providers may administer tests to monitor glucose levels in a child diagnosed diabetes mellitus, and administer medicinal preparations, including controlled drugs specified in the regulations by the commissioner, to a child receiving child care services at such child care center or group child care home pursuant to the written order of a physician licensed to practice medicine or a dentist licensed to practice dental medicine in this or another state, or an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a, or a physician assistant licensed to prescribe in accordance with section 20-12d, and the written authorization of a parent or guardian of such child, (3) specify that an operator of a child care center or group child care home, licensed before January 1, 1986, or an operator who receives a license after January 1, 1986, for a facility licensed prior to January 1, 1986, shall provide a minimum of thirty square feet per child of total indoor usable space, free of furniture except that needed for the children's purposes, exclusive of toilet rooms, bathrooms, coatrooms, kitchens, halls, isolation room or other rooms used for purposes other than the activities of the children, (4) specify that a child care center or group child care home licensed after January 1, 1986, shall provide thirty-five square feet per child of total indoor usable space, (5) establish appropriate child care center staffing requirements for employees certified in cardiopulmonary resuscitation by the American Red Cross, the American Heart Association, the National Safety Council, American Safety and Health Institute, Medic First Aid International, Inc. or an organization using guidelines for cardiopulmonary resuscitation and emergency cardiovascular care published by the American Heart Association and International Liaison Committee on Resuscitation, (6)

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specify that [on and after January 1, 2003,] a child care center or group child care home (A) shall not deny services to a child on the basis of a child's known or suspected allergy or because a child has a prescription for an automatic prefilled cartridge injector or similar automatic injectable equipment used to treat an allergic reaction, or for injectable equipment used to administer glucagon, (B) shall, not later than three weeks after such child's enrollment in such a center or home, have staff trained in the use of such equipment on-site during all hours when such a child is on-site, (C) shall require such child's parent or guardian to provide the injector or injectable equipment and a copy of the prescription for such medication and injector or injectable equipment upon enrollment of such child, and (D) shall require a parent or guardian enrolling such a child to replace such medication and equipment prior to its expiration date, (7) specify that [on and after January 1, 2005, a child care center or group child care home (A) shall not deny services to a child on the basis of a child's diagnosis of asthma or because a child has a prescription for an inhalant medication to treat asthma, and (B) shall, not later than three weeks after such child's enrollment in such a center or home, have staff trained in the administration of such medication on-site during all hours when such a child is on-site, and (8) establish physical plant requirements for licensed child care centers and licensed group child care homes that exclusively serve school-age children. When establishing such requirements, the Office of Early Childhood shall give consideration to child care centers and group child care homes that are located in private or public school buildings. With respect to this subdivision only, the commissioner shall implement policies and procedures necessary to implement the physical plant requirements established pursuant to this subdivision while in the process of adopting such policies and procedures in regulation form. Until replaced by policies and procedures implemented pursuant to this subdivision, any physical plant requirement specified in the office's regulations that is generally applicable to child care centers and group child care homes shall continue to be applicable to such centers and homes that exclusively serve school-age children. The commissioner shall [print] post notice of

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the intent to adopt regulations pursuant to this subdivision on the eRegulations System not later than twenty days after the date of implementation of such policies and procedures. Policies and procedures implemented pursuant to this subdivision shall be valid until the time final regulations are adopted.

(b) Any child who (1) presents a certificate, in a form prescribed by the Commissioner of Public Health, signed by a physician, a physician assistant or an advanced practice registered nurse stating that, in the opinion of such physician, physician assistant or advanced practice registered nurse, the immunizations required pursuant to regulations adopted pursuant to subdivision (1) of subsection (a) of this section are medically contraindicated, or (2) prior to September 1, 2022, presented a statement that such immunizations are contrary to the religious beliefs of such child or the parents or guardian of such child. The statement described in subdivision (2) of this subsection shall be acknowledged, in accordance with the provisions of sections 1-32, 1-34 and 1-35, by a judge of a court of record or a family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, or an attorney admitted to the bar of this state.

[(b)] (c) The commissioner may adopt regulations, pursuant to chapter 54, to establish civil penalties of not more than one hundred dollars per day for each day of violation and other disciplinary remedies that may be imposed, following a contested-case hearing, upon the holder of a license issued under section 19a-80 to operate a child care center or group child care home or upon the holder of a license issued under section 19a-87b, as amended by this act, to operate a family child care home.

[(c)] (d) The commissioner shall exempt Montessori schools accredited by the American Montessori Society or the Association Montessori Internationale from any provision in regulations adopted pursuant to subsection (a) of this section which sets requirements on group size or child to staff ratios or the provision of cots.

[(d)] (e) Upon the declaration by the Governor of a civil preparedness emergency pursuant to section 28-9 or a public health emergency pursuant to section 19a-131a, the commissioner may waive the provisions of any regulation adopted pursuant to this section if the commissioner determines that such waiver would not endanger the life, safety or health of any child. The commissioner shall prescribe the duration of such waiver, provided such waiver shall not extend beyond the duration of the declared emergency. The commissioner shall establish the criteria by which a waiver request shall be made and the conditions for which a waiver will be granted or denied. The provisions of section 19a-84 shall not apply to a denial of a waiver request under this subsection.

[(e)] (f) Any child care center or group child care home may provide child care services to homeless children and youths, as defined in 42 USC 11434a, as amended from time to time, for a period not to exceed ninety days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any child care center or group child care home that provides child care services to homeless children and youths at such center or home under this subsection shall maintain a record on file of all homeless children and youths who have attended such center or home for a period of two years after such homeless children or youths are no longer receiving child care services at such center or home.

[(f)] (g) Any child care center or group child care home may provide child care services to a foster child for a period not to exceed forty-five days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any child care center or group child care home that provides child care services to a foster child at such center or home under this subsection shall maintain a record on file of such foster child for a period of two years after such foster child is no longer receiving child care services at such center or home. For purposes of this subsection, "foster child" means a child who is in the care and custody of the Commissioner of Children and Families and placed in a foster

home licensed pursuant to section 17a-114, foster home approved by a child-placing agency licensed pursuant to section 17a-149, facility licensed pursuant to section 17a-145 or with a relative or fictive kin caregiver pursuant to section 17a-114.

- Sec. 505. Section 19a-87b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 290 (a) No person, group of persons, association, organization, 291 corporation, institution or agency, public or private, shall maintain a 292 family child care home, as defined in section 19a-77, without a license 293 issued by the Commissioner of Early Childhood. Licensure forms shall 294 be obtained from the Office of Early Childhood. Applications for 295 licensure shall be made to the commissioner on forms provided by the 296 office and shall contain the information required by regulations adopted 297 under this section. The licensure and application forms shall contain a 298 notice that false statements made therein are punishable in accordance 299 with section 53a-157b. Applicants shall state, in writing, that they are in 300 compliance with the regulations adopted by the commissioner pursuant 301 to subsection (f) of this section. Before a family child care home license 302 is granted, the office shall make an inquiry and investigation which shall 303 include a visit and inspection of the premises for which the license is 304 requested. Any inspection conducted by the office shall include an 305 inspection for evident sources of lead poisoning. The office shall provide 306 for a chemical analysis of any paint chips found on such premises. 307 Neither the commissioner nor the commissioner's designee shall require 308 an annual inspection for homes seeking license renewal or for licensed 309 homes, except that the commissioner or the commissioner's designee 310 shall make an unannounced visit, inspection or investigation of each 311 licensed family child care home at least once every year. A licensed 312 family child care home shall not be subject to any conditions on the 313 operation of such home by local officials, other than those imposed by 314 the office pursuant to this subsection, if the home complies with all local 315 codes and ordinances applicable to single and multifamily dwellings.
- 316 (b) No person shall act as an assistant or substitute staff member to a

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person or entity maintaining a family child care home, as defined in section 19a-77, without an approval issued by the commissioner. Any person seeking to act as an assistant or substitute staff member in a family child care home shall submit an application for such approval to the office. Applications for approval shall: (1) Be made to the commissioner on forms provided by the office, (2) contain the information required by regulations adopted under this section, and (3) be accompanied by a fee of fifteen dollars. The approval application forms shall contain a notice that false statements made in such form are punishable in accordance with section 53a-157b.

- (c) The commissioner, within available appropriations, shall require each initial applicant or prospective employee of a family child care home in a position requiring the provision of care to a child, including an assistant or substitute staff member and each household member who is sixteen years of age or older, to submit to comprehensive background checks, including state and national criminal history records checks. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a. The commissioner shall also request a check of the state child abuse registry established pursuant to section 17a-101k. The commissioner shall notify each licensee of the provisions of this subsection. For purposes of this subsection, "household member" means any person, other than the person who is licensed to conduct, operate or maintain a family child care home, who resides in the family child care home, such as the licensee's spouse or children, tenants and any other occupant.
- (d) An application for initial licensure pursuant to this section shall be accompanied by a fee of forty dollars and such license shall be issued for a term of four years. An application for renewal of a license issued pursuant to this section shall be accompanied by a fee of forty dollars and a certification from the licensee that any child enrolled in the family child care home has received age-appropriate immunizations in accordance with regulations adopted pursuant to subsection (f) of this section. A license issued pursuant to this section shall be renewed for a term of four years. In the case of an applicant submitting an application

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for renewal of a license that has expired, and who has ceased operations of a family child care home due to such expired license, the commissioner may renew such expired license within thirty days of the date of such expiration upon receipt of an application for renewal that is accompanied by such fee and such certification.

- (e) An application for initial staff approval or renewal of staff approval shall be accompanied by a fee of fifteen dollars. Such approvals shall be issued or renewed for a term of two years.
- (f) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to assure that family child care homes, as defined in section 19a-77, meet the health, educational and social needs of children utilizing such homes. Such regulations shall ensure that the family child care home is treated as a residence, and not an institutional facility. Such regulations shall specify that each child be protected as adequate immunization against diphtheria, age-appropriate by poliomyelitis, measles, pertussis, tetanus, mumps, rubella, [hemophilus] haemophilus influenzae type B and any other vaccine required by the schedule of active immunization adopted pursuant to section 19a-7f. [Such regulations shall provide appropriate exemptions for children for whom such immunization is medically contraindicated and for children whose parents or guardian objects to such immunization on religious grounds and require that any such objection be accompanied by a statement from such parents or guardian that such immunization would be contrary to the religious beliefs of such child or the parents or guardian of such child, which statement shall be acknowledged, in accordance with the provisions of sections 1-32, 1-34 and 1-35, by (1) a judge of a court of record or a family support magistrate, (2) a clerk or deputy clerk of a court having a seal, (3) a town clerk, (4) a notary public, (5) a justice of the peace, or (6) an attorney admitted to the bar of this state.] Such regulations shall also specify conditions under which family child care home providers may administer tests to monitor glucose levels in a child with diagnosed diabetes mellitus, and administer medicinal preparations, including controlled drugs specified in the regulations by the commissioner, to a

child receiving child care services at a family child care home pursuant to a written order of a physician licensed to practice medicine in this or another state, an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a or a physician assistant licensed to prescribe in accordance with section 20-12d, and the written authorization of a parent or guardian of such child. Such regulations shall specify appropriate standards for extended care and intermittent short-term overnight care. The commissioner shall inform each licensee, by way of a plain language summary provided not later than sixty days after the regulation's effective date, of any new or changed regulations adopted under this subsection with which a licensee must comply.

(g) Any child who (1) presents a certificate, in a form prescribed by the Commissioner of Public Health, signed by a physician, a physician assistant or an advanced practice registered nurse stating that, in the opinion of such physician, physician assistant or advanced practice registered nurse, the immunizations required pursuant to regulations adopted pursuant to subsection (f) of this section are medically contraindicated, or (2) prior to September 1, 2022, presented a statement that such immunizations are contrary to the religious beliefs of such child or the parents or guardian of such child. The statement described in subdivision (2) of this subsection shall be acknowledged, in accordance with the provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a court of record or a family support magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a town clerk, (D) a notary public, (E) a justice of the peace, or (F) an attorney admitted to the bar of this state.

[(g)] (h) Upon the declaration by the Governor of a civil preparedness emergency pursuant to section 28-9 or a public health emergency pursuant to section 19a-131a, the commissioner may waive the provisions of any regulation adopted pursuant to this section if the commissioner determines that such waiver would not endanger the life, safety or health of any child. The commissioner shall prescribe the duration of such waiver, provided such waiver shall not extend beyond the duration of the declared emergency. The commissioner shall

establish the criteria by which a waiver request shall be made and the conditions for which a waiver will be granted or denied. The provisions of section 19a-84 shall not apply to a denial of a waiver request under this subsection.

[(h)] (i) Any family child care home may provide child care services to homeless children and youths, as defined in 42 USC 11434a, as amended from time to time, for a period not to exceed ninety days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any family child care home that provides child care services to homeless children and youths at such home under this subsection shall maintain a record on file of all homeless children and youths who have attended such home for a period of two years after such homeless children or youths are no longer receiving child care services at such home.

[(i)] (j) Any family child care home may provide child care services to a foster child for a period not to exceed forty-five days without complying with any provision in regulations adopted pursuant to this section relating to immunization and physical examination requirements. Any family child care home that provides child care services to a foster child at such home under this subsection shall maintain a record on file of such foster child for a period of two years after such foster child is no longer receiving child care services at such home. For purposes of this subsection, "foster child" means a child who is in the care and custody of the Commissioner of Children and Families and placed in a foster home licensed pursuant to section 17a-114, foster home approved by a child-placing agency licensed pursuant to section 17a-149, facility licensed pursuant to section 17a-145 or with a relative or fictive kin caregiver pursuant to section 17a-114."

This act shall take effect as follows and shall amend the following				
sections:				
Sec. 501	from nassage	10-204a		

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Sec. 502	from passage	10a-155
Sec. 503	from passage	10a-155b(a)
Sec. 504	from passage	19a-79
Sec. 505	from passage	19a-87b