



General Assembly

Amendment

January Session, 2021

LCO No. 7430



Offered by:
SEN. SOMERS, 18th Dist.

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

(As Amended)

"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 Section 10-204a of the general statutes are repealed and the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 haemophilus influenzae type B and any other vaccine required by the
10 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 (A) under guidelines and
18 schedules specified by the Commissioner of Public Health, or (B) in the
19 case of a child enrolled in sixth grade or below who, not later than March
20 1, 2023, was exempt from the appropriate provisions of this section upon
21 presentation of a statement that such immunizations would be contrary
22 to the religious beliefs of such child or the parents or guardian of such
23 child, as such additional immunizations are recommended, in a written
24 declaration, in a form prescribed by the Commissioner of Public Health,
25 for such child by a physician, a physician assistant or an advanced
26 practice registered nurse; or (2) presents a certificate, in a form
27 prescribed by the commissioner pursuant to section 7 of this act, from a
28 physician, physician assistant or advanced practice registered nurse
29 stating that in the opinion of such physician, physician assistant or
30 advanced practice registered nurse such immunization is medically
31 contraindicated because of the physical condition of such child; [or (3)
32 presents a statement from the parents or guardian of such child that
33 such immunization would be contrary to the religious beliefs of such
34 child or the parents or guardian of such child, which statement shall be
35 acknowledged, in accordance with the provisions of sections 1-32, 1-34
36 and 1-35, by (A) a judge of a court of record or a family support
37 magistrate, (B) a clerk or deputy clerk of a court having a seal, (C) a town
38 clerk, (D) a notary public, (E) a justice of the peace, (F) an attorney
39 admitted to the bar of this state, or (G) notwithstanding any provision
40 of chapter 6, a school nurse;] or [(4)] (3) in the case of measles, mumps
41 or rubella, presents a certificate from a physician, physician assistant or
42 advanced practice registered nurse or from the director of health in such
43 child's present or previous town of residence, stating that the child has
44 had a confirmed case of such disease; or [(5)] (4) in the case of
45 [hemophilus] haemophilus influenzae type B has passed [his] such
46 child's fifth birthday; or [(6)] (5) in the case of pertussis, has passed [his]
47 such child's sixth birthday, shall be exempt from the appropriate
48 provisions of this section. [If the parents or guardians of any child are
49 unable to pay for such immunizations, the expense of such

50 immunizations shall, on the recommendations of such board of
51 education, be paid by the town. Before being permitted to enter seventh
52 grade, the parents or guardian of any child who is exempt on religious
53 grounds from the immunization requirements of this section, pursuant
54 to subdivision (3) of this subsection, shall present to such school a
55 statement that such immunization requirements are contrary to the
56 religious beliefs of such child or the parents or guardian of such child,
57 which statement shall be acknowledged, in accordance with the
58 provisions of sections 1-32, 1-34 and 1-35, by (A) a judge of a court of
59 record or a family support magistrate, (B) a clerk or deputy clerk of a
60 court having a seal, (C) a town clerk, (D) a notary public, (E) a justice of
61 the peace, (F) an attorney admitted to the bar of this state, or (G)
62 notwithstanding any provision of chapter 6, a school nurse.] The
63 statement described in subparagraph (B) of subdivision (1) of this
64 subsection shall be acknowledged, in accordance with the provisions of
65 sections 1-32, 1-34 and 1-35, by a judge of a court of record or a family
66 support magistrate, a clerk or deputy clerk of a court having a seal, a
67 town clerk, a notary public, a justice of the peace, an attorney admitted
68 to the bar of this state, or notwithstanding any provision of chapter 6, a
69 school nurse.

70 (b) The immunization requirements provided for in subsection (a) of
71 this section shall not apply to any child who is enrolled in seventh grade
72 through twelfth grade on or before the effective date of this section if
73 such child presented a statement, not later than March 1, 2023, from the
74 parents or guardian of such child that such immunization is contrary to
75 the religious beliefs of such child or the parents or guardian of such
76 child, and such statement was acknowledged, in accordance with the
77 provisions of sections 1-32, 1-34 and 1-35, by (1) a judge of a court of
78 record or a family support magistrate, (2) a clerk or deputy clerk of a
79 court having a seal, (3) a town clerk, (4) a notary public, (5) a justice of
80 the peace, (6) an attorney admitted to the bar of this state, or (7)
81 notwithstanding any provision of chapter 6, a school nurse.

82 (c) Any child who is enrolled in sixth grade or below prior to the
83 effective date of this section who presented a statement, prior to the

84 effective date of this section, from the parents or guardian of such child
85 that the immunization is contrary to the religious beliefs of such child
86 or the parents or guardian of such child, which statement was
87 acknowledged, in accordance with the provisions of sections 1-32, 1-34
88 and 1-35, by (1) a judge of a court of record or a family support
89 magistrate, (2) a clerk or deputy clerk of a court having a seal, (3) a town
90 clerk, (4) a notary public, (5) a justice of the peace, (6) an attorney
91 admitted to the bar of this state, or (7) notwithstanding any provision of
92 chapter 6, a school nurse, but did not present a written declaration from
93 a physician, a physician assistant or an advanced practice registered
94 nurse stating that additional immunizations are in process as
95 recommended by such physician, physician assistant or advanced
96 practice registered nurse, rather than as recommended under guidelines
97 and schedules specified by the Commissioner of Public Health, shall
98 comply with the immunization requirements provided for in
99 subparagraph (A) of subdivision (1) of subsection (a) of this section on
100 or before September 1, 2022, or not later than fourteen days after
101 transferring to a program operated by a public or nonpublic school
102 under the jurisdiction of a local or regional board of education or similar
103 body governing a nonpublic school or schools, whichever is later.

104 (d) If the parents or guardian of any child are unable to pay for any
105 immunization required by subsection (a) of this section, the expense of
106 such immunization shall, on the recommendation of such child's local
107 or regional board of education, or similar body governing a nonpublic
108 school or schools, be paid by the town.

109 [(b)] (e) The definitions of adequate immunization shall reflect the
110 schedule for active immunization adopted pursuant to section 19a-7f
111 and be established by regulation adopted in accordance with the
112 provisions of chapter 54 by the Commissioner of Public Health, who
113 shall also be responsible for providing procedures under which [said]
114 such boards and [said] such similar governing bodies shall collect and
115 report immunization data on each child to the Department of Public
116 Health for (1) compilation and analysis by [said] the department, and
117 (2) release by the department of annual immunization rates for each

118 public and nonpublic school in the state, provided such immunization
119 data may not contain information that identifies a specific individual.

120 [(c)] (f) The Commissioner of Public Health may issue a temporary
121 waiver to the schedule for active immunization for any vaccine if the
122 National Centers for Disease Control and Prevention recognizes a
123 nation-wide shortage of supply for such vaccine.

124 Sec. 2. Section 19a-25 of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective from passage*):

126 (a) All information, records of interviews, written reports, statements,
127 notes, memoranda or other data, including personal data as defined in
128 subdivision (9) of section 4-190, procured by: [the] (1) The Department
129 of Public Health, by staff committees of facilities accredited by the
130 Department of Public Health or the maternity mortality review
131 committee, established pursuant to section 19a-59i, in connection with
132 studies of morbidity and mortality conducted by the Department of
133 Public Health, such staff committees or the maternal mortality review
134 committee, or carried on by said department, such staff committees or
135 the maternal mortality review committee jointly with other persons,
136 agencies or organizations, [or procured by] (2) the directors of health of
137 towns, cities or boroughs or the Department of Public Health pursuant
138 to section 19a-215, or [procured by] (3) such other persons, agencies or
139 organizations, for the purpose of reducing the morbidity or mortality
140 from any cause or condition, shall be confidential and shall be used
141 solely for the purposes of medical or scientific research and, for
142 information obtained pursuant to section 19a-215, disease prevention
143 and control by the local director of health and the Department of Public
144 Health. Such information, records, reports, statements, notes,
145 memoranda or other data shall not be admissible as evidence in any
146 action of any kind in any court or before any other tribunal, board,
147 agency or person, nor shall it be exhibited or its contents disclosed in
148 any way, in whole or in part, by any officer or representative of the
149 Department of Public Health or of any such facility, by any person
150 participating in such a research project or by any other person, except

151 as may be necessary for the purpose of furthering the research project to
152 which it relates.

153 (b) Notwithstanding the provisions of chapter 55, the Department of
154 Public Health may exchange personal data for the purpose of medical
155 or scientific research, with any other governmental agency or private
156 research organization; provided such state, governmental agency or
157 private research organization shall not further disclose such personal
158 data. The Commissioner of Public Health shall adopt regulations, in
159 accordance with the provisions of chapter 54, consistent with the
160 purposes of this section to establish the procedures to ensure the
161 confidentiality of such disclosures. The furnishing of such information
162 to the Department of Public Health or its authorized representative, or
163 to any other agency cooperating in such a research project, shall not
164 subject any person, hospital, [sanitarium] behavioral health facility, rest
165 home, nursing home or other person or agency furnishing such
166 information to any action for damages or other relief because of such
167 disclosure. [This section shall not be deemed to affect disclosure]

168 (c) The provisions of this section shall not affect: (1) Disclosure of
169 regular hospital and medical records made in the course of the regular
170 notation of the care and treatment of any patient, but only records or
171 notations by [such] the staff committees described in subsection (a) of
172 this section pursuant to their work, or (2) release by the Department of
173 Public Health of annual immunization rates for each public and
174 nonpublic school in the state pursuant to section 10-204a, as amended
175 by this act.

176 Sec. 3. Section 10a-155 of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective from passage*):

178 (a) Each institution of higher education shall require each full-time or
179 matriculating student born after December 31, 1956, to provide proof of
180 adequate immunization against measles, rubella, [and on and after
181 August 1, 2010, to provide proof of adequate immunization against]
182 mumps and varicella as recommended by the national Advisory

183 Committee for Immunization Practices before permitting such student
184 to enroll in such institution. [Any such]

185 (b) Notwithstanding the provisions of subsection (a) of this section,
186 any student who (1) presents a certificate, in a form prescribed by the
187 Commissioner of Public Health pursuant to section 7 of this act, from a
188 physician, a physician assistant or an advanced practice registered nurse
189 stating that in the opinion of such physician, physician assistant or
190 advanced practice registered nurse such immunization is medically
191 contraindicated, (2) [provides] not later than March 1, 2023, provided a
192 statement that such immunization [would be] is contrary to his or her
193 religious beliefs, (3) presents a certificate from a physician, a physician
194 assistant, an advanced practice registered nurse or the director of health
195 in the student's present or previous town of residence, stating that the
196 student has had a confirmed case of such disease, (4) is enrolled
197 exclusively in a program for which students do not congregate on
198 campus for classes or to participate in institutional-sponsored events,
199 such as students enrolled in distance learning programs for
200 individualized home study or programs conducted entirely through
201 electronic media in a setting without other students present, or (5)
202 graduated from a public or nonpublic high school in this state in 1999 or
203 later and was not exempt from the measles, rubella and [on and after
204 August 1, 2010, the] mumps vaccination requirement pursuant to
205 subdivision (2) [or (3)] of subsection (a) of section 10-204a, as amended
206 by this act, shall be exempt from the appropriate provisions of this
207 section.

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

217 Sec. 4. Subsection (a) of section 10a-155b of the general statutes is
218 repealed and the following is substituted in lieu thereof (*Effective from*
219 *passage*):

220 (a) For students who first enroll in the 2014-2015 school year, and first
221 enroll in each school year thereafter, each public or private college or
222 university in this state shall require that each student who resides in on-
223 campus housing be vaccinated against meningitis and submit evidence
224 of having received a meningococcal conjugate vaccine not more than
225 five years before enrollment as a condition of such residence. The
226 provisions of this subsection shall not apply to any such student who (1)
227 presents a certificate, in a form prescribed by the Commissioner of
228 Public Health pursuant to section 7 of this act, from a physician, an
229 advanced practice registered nurse or a physician assistant stating that,
230 in the opinion of such physician, advanced practice registered nurse or
231 physician assistant, such vaccination is medically contraindicated
232 because of the physical condition of such student, or (2) [presents] prior
233 to the effective date of this section, presented a statement that such
234 vaccination [would be] is contrary to the religious beliefs of such
235 student.

236 Sec. 5. Section 19a-79 of the general statutes is repealed and the
237 following is substituted in lieu thereof (*Effective from passage*):

238 (a) The Commissioner of Early Childhood shall adopt regulations, in
239 accordance with the provisions of chapter 54, to carry out the purposes
240 of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive,
241 and to assure that child care centers and group child care homes meet
242 the health, educational and social needs of children utilizing such child
243 care centers and group child care homes. Such regulations shall (1)
244 specify that before being permitted to attend any child care center or
245 group child care home, each child shall be protected as age-appropriate
246 by adequate immunization against diphtheria, pertussis, tetanus,
247 poliomyelitis, measles, mumps, rubella, [hemophilus] haemophilus
248 influenzae type B and any other vaccine required by the schedule of
249 active immunization adopted pursuant to section 19a-7f, [including

250 appropriate exemptions for children for whom such immunization is
251 medically contraindicated and for children whose parent or guardian
252 objects to such immunization on religious grounds, and that any
253 objection by a parent or a guardian to immunization of a child on
254 religious grounds shall be accompanied by a statement from such parent
255 or guardian that such immunization would be contrary to the religious
256 beliefs of such child or the parent or guardian of such child, which
257 statement shall be acknowledged, in accordance with the provisions of
258 sections 1-32, 1-34 and 1-35, by (A) a judge of a court of record or a family
259 support magistrate, (B) a clerk or deputy clerk of a court having a seal,
260 (C) a town clerk, (D) a notary public, (E) a justice of the peace, or (F) an
261 attorney admitted to the bar of this state,] (2) specify conditions under
262 which child care center directors and teachers and group child care
263 home providers may administer tests to monitor glucose levels in a child
264 with diagnosed diabetes mellitus, and administer medicinal
265 preparations, including controlled drugs specified in the regulations by
266 the commissioner, to a child receiving child care services at such child
267 care center or group child care home pursuant to the written order of a
268 physician licensed to practice medicine or a dentist licensed to practice
269 dental medicine in this or another state, or an advanced practice
270 registered nurse licensed to prescribe in accordance with section 20-94a,
271 or a physician assistant licensed to prescribe in accordance with section
272 20-12d, and the written authorization of a parent or guardian of such
273 child, (3) specify that an operator of a child care center or group child
274 care home, licensed before January 1, 1986, or an operator who receives
275 a license after January 1, 1986, for a facility licensed prior to January 1,
276 1986, shall provide a minimum of thirty square feet per child of total
277 indoor usable space, free of furniture except that needed for the
278 children's purposes, exclusive of toilet rooms, bathrooms, coatrooms,
279 kitchens, halls, isolation room or other rooms used for purposes other
280 than the activities of the children, (4) specify that a child care center or
281 group child care home licensed after January 1, 1986, shall provide
282 thirty-five square feet per child of total indoor usable space, (5) establish
283 appropriate child care center staffing requirements for employees
284 certified in cardiopulmonary resuscitation by the American Red Cross,

285 the American Heart Association, the National Safety Council, American
286 Safety and Health Institute, Medic First Aid International, Inc. or an
287 organization using guidelines for cardiopulmonary resuscitation and
288 emergency cardiovascular care published by the American Heart
289 Association and International Liaison Committee on Resuscitation, (6)
290 specify that [on and after January 1, 2003,] a child care center or group
291 child care home (A) shall not deny services to a child on the basis of a
292 child's known or suspected allergy or because a child has a prescription
293 for an automatic prefilled cartridge injector or similar automatic
294 injectable equipment used to treat an allergic reaction, or for injectable
295 equipment used to administer glucagon, (B) shall, not later than three
296 weeks after such child's enrollment in such a center or home, have staff
297 trained in the use of such equipment on-site during all hours when such
298 a child is on-site, (C) shall require such child's parent or guardian to
299 provide the injector or injectable equipment and a copy of the
300 prescription for such medication and injector or injectable equipment
301 upon enrollment of such child, and (D) shall require a parent or
302 guardian enrolling such a child to replace such medication and
303 equipment prior to its expiration date, (7) specify that [on and after
304 January 1, 2005,] a child care center or group child care home (A) shall
305 not deny services to a child on the basis of a child's diagnosis of asthma
306 or because a child has a prescription for an inhalant medication to treat
307 asthma, and (B) shall, not later than three weeks after such child's
308 enrollment in such a center or home, have staff trained in the
309 administration of such medication on-site during all hours when such a
310 child is on-site, and (8) establish physical plant requirements for
311 licensed child care centers and licensed group child care homes that
312 exclusively serve school-age children. When establishing such
313 requirements, the Office of Early Childhood shall give consideration to
314 child care centers and group child care homes that are located in private
315 or public school buildings. With respect to this subdivision only, the
316 commissioner shall implement policies and procedures necessary to
317 implement the physical plant requirements established pursuant to this
318 subdivision while in the process of adopting such policies and
319 procedures in regulation form. Until replaced by policies and

320 procedures implemented pursuant to this subdivision, any physical
321 plant requirement specified in the office's regulations that is generally
322 applicable to child care centers and group child care homes shall
323 continue to be applicable to such centers and homes that exclusively
324 serve school-age children. The commissioner shall [print] post notice of
325 the intent to adopt regulations pursuant to this subdivision on the
326 eRegulations System not later than twenty days after the date of
327 implementation of such policies and procedures. Policies and
328 procedures implemented pursuant to this subdivision shall be valid
329 until the time final regulations are adopted.

330 (b) Any child who (1) presents a certificate, in a form prescribed by
331 the Commissioner of Public Health pursuant to section 7 of this act,
332 signed by a physician, a physician assistant or an advanced practice
333 registered nurse stating that, in the opinion of such physician, physician
334 assistant or advanced practice registered nurse, the immunizations
335 required pursuant to regulations adopted pursuant to subdivision (1) of
336 subsection (a) of this section are medically contraindicated, (2) in the
337 case of a child who is enrolled in seventh grade through twelfth grade,
338 presented a statement, not later than March 1, 2023, that such
339 immunizations are contrary to the religious beliefs of such child or the
340 parents or guardian of such child, or (3) in the case of a child who is
341 enrolled in sixth grade or below, (A) presented a statement, not later
342 than March 1, 2023, that such immunizations are contrary to the
343 religious beliefs of such child or the parents or guardian of such child,
344 and (B) presents a written declaration, in a form prescribed by the
345 Commissioner of Public Health, from a physician, a physician assistant
346 or an advanced practice registered nurse stating that an immunization
347 against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps,
348 rubella, haemophilus influenzae type B and any other vaccine required
349 by the schedule of active immunization adopted pursuant to section
350 19a-7f has been given to such child and that any additional necessary
351 immunizations of such student against diphtheria, pertussis, tetanus,
352 poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B
353 and any other vaccine required by such schedule of active immunization

354 are in process under guidelines specified by the Commissioner of Public
355 Health or as recommended for the child by the physician, physician
356 assistant or advanced practice registered nurse, shall be exempt from
357 the immunization requirements set forth in such regulations. The
358 statement described in subparagraph (A) of subdivision (3) of this
359 subsection shall be acknowledged, in accordance with the provisions of
360 sections 1-32, 1-34 and 1-35, by a judge of a court of record or a family
361 support magistrate, a clerk or deputy clerk of a court having a seal, a
362 town clerk, a notary public, a justice of the peace, or an attorney
363 admitted to the bar of this state.

364 (c) Any child who is enrolled in sixth grade or below on or before the
365 effective date of this section who presented, prior to the effective date of
366 this section, the statement described in subparagraph (A) of subdivision
367 (3) of subsection (b) of this section, but did not present the written
368 declaration described in subparagraph (B) of subdivision (3) of
369 subsection (b) of this section, shall comply, on or before September 1,
370 2022, or not later than fourteen days after applying to enroll in the child
371 care center or group child care home, whichever is later, with the
372 immunization requirements set forth in the regulations adopted
373 pursuant to subdivision (1) of subsection (a) of this section.

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

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

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

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

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

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

425 Sec. 6. Section 19a-87b of the general statutes is repealed and the
426 following is substituted in lieu thereof (*Effective from passage*):

427 (a) No person, group of persons, association, organization,
428 corporation, institution or agency, public or private, shall maintain a
429 family child care home, as defined in section 19a-77, without a license
430 issued by the Commissioner of Early Childhood. Licensure forms shall
431 be obtained from the Office of Early Childhood. Applications for
432 licensure shall be made to the commissioner on forms provided by the
433 office and shall contain the information required by regulations adopted
434 under this section. The licensure and application forms shall contain a
435 notice that false statements made therein are punishable in accordance
436 with section 53a-157b. Applicants shall state, in writing, that they are in
437 compliance with the regulations adopted by the commissioner pursuant
438 to subsection (f) of this section. Before a family child care home license
439 is granted, the office shall make an inquiry and investigation which shall
440 include a visit and inspection of the premises for which the license is
441 requested. Any inspection conducted by the office shall include an
442 inspection for evident sources of lead poisoning. The office shall provide
443 for a chemical analysis of any paint chips found on such premises.
444 Neither the commissioner nor the commissioner's designee shall require
445 an annual inspection for homes seeking license renewal or for licensed
446 homes, except that the commissioner or the commissioner's designee
447 shall make an unannounced visit, inspection or investigation of each
448 licensed family child care home at least once every year. A licensed
449 family child care home shall not be subject to any conditions on the
450 operation of such home by local officials, other than those imposed by
451 the office pursuant to this subsection, if the home complies with all local
452 codes and ordinances applicable to single and multifamily dwellings.

453 (b) No person shall act as an assistant or substitute staff member to a

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

464 (c) The commissioner, within available appropriations, shall require
465 each initial applicant or prospective employee of a family child care
466 home in a position requiring the provision of care to a child, including
467 an assistant or substitute staff member and each household member
468 who is sixteen years of age or older, to submit to comprehensive
469 background checks, including state and national criminal history
470 records checks. The criminal history records checks required pursuant
471 to this subsection shall be conducted in accordance with section 29-17a.
472 The commissioner shall also request a check of the state child abuse
473 registry established pursuant to section 17a-101k. The commissioner
474 shall notify each licensee of the provisions of this subsection. For
475 purposes of this subsection, "household member" means any person,
476 other than the person who is licensed to conduct, operate or maintain a
477 family child care home, who resides in the family child care home, such
478 as the licensee's spouse or children, tenants and any other occupant.

479 (d) An application for initial licensure pursuant to this section shall
480 be accompanied by a fee of forty dollars and such license shall be issued
481 for a term of four years. An application for renewal of a license issued
482 pursuant to this section shall be accompanied by a fee of forty dollars
483 and a certification from the licensee that any child enrolled in the family
484 child care home has received age-appropriate immunizations in
485 accordance with regulations adopted pursuant to subsection (f) of this
486 section. A license issued pursuant to this section shall be renewed for a
487 term of four years. In the case of an applicant submitting an application

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

493 (e) An application for initial staff approval or renewal of staff
494 approval shall be accompanied by a fee of fifteen dollars. Such
495 approvals shall be issued or renewed for a term of two years.

496 (f) The commissioner shall adopt regulations, in accordance with the
497 provisions of chapter 54, to assure that family child care homes, as
498 defined in section 19a-77, meet the health, educational and social needs
499 of children utilizing such homes. Such regulations shall ensure that the
500 family child care home is treated as a residence, and not an institutional
501 facility. Such regulations shall specify that each child be protected as
502 age-appropriate by adequate immunization against diphtheria,
503 pertussis, tetanus, poliomyelitis, measles, mumps, rubella,
504 [hemophilus] haemophilus influenzae type B and any other vaccine
505 required by the schedule of active immunization adopted pursuant to
506 section 19a-7f. [Such regulations shall provide appropriate exemptions
507 for children for whom such immunization is medically contraindicated
508 and for children whose parents or guardian objects to such
509 immunization on religious grounds and require that any such objection
510 be accompanied by a statement from such parents or guardian that such
511 immunization would be contrary to the religious beliefs of such child or
512 the parents or guardian of such child, which statement shall be
513 acknowledged, in accordance with the provisions of sections 1-32, 1-34
514 and 1-35, by (1) a judge of a court of record or a family support
515 magistrate, (2) a clerk or deputy clerk of a court having a seal, (3) a town
516 clerk, (4) a notary public, (5) a justice of the peace, or (6) an attorney
517 admitted to the bar of this state.] Such regulations shall also specify
518 conditions under which family child care home providers may
519 administer tests to monitor glucose levels in a child with diagnosed
520 diabetes mellitus, and administer medicinal preparations, including
521 controlled drugs specified in the regulations by the commissioner, to a

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

533 (g) Any child who (1) presents a certificate, in a form prescribed by
534 the Commissioner of Public Health pursuant to section 7 of this act,
535 signed by a physician, a physician assistant or an advanced practice
536 registered nurse stating that, in the opinion of such physician, physician
537 assistant or advanced practice registered nurse, the immunizations
538 required pursuant to regulations adopted pursuant to subsection (f) of
539 this section are medically contraindicated, (2) in the case of a child who
540 is enrolled in seventh grade through twelfth grade, presented a
541 statement, not later than March 1, 2023, that such immunizations are
542 contrary to the religious beliefs of such child or the parents or guardian
543 of such child, or (3) in the case of a child who is enrolled in sixth grade
544 or below, (A) presented a statement, not later than March 1, 2023, that
545 such immunizations are contrary to the religious beliefs of such child or
546 the parents or guardian of such child, and (B) presents a written
547 declaration, in a form prescribed by the Commissioner of Public Health,
548 from a physician, physician assistant or advanced practice registered
549 nurse stating that an immunization against diphtheria, pertussis,
550 tetanus, poliomyelitis, measles, mumps, rubella, haemophilus
551 influenzae type B and any other vaccine required by the schedule of
552 active immunization adopted pursuant to section 19a-7f has been given
553 to such child and that any additional necessary immunizations of such
554 student against diphtheria, pertussis, tetanus, poliomyelitis, measles,
555 mumps, rubella, haemophilus influenzae type B and any other vaccine

556 required by such schedule of active immunization are in process under
557 guidelines specified by the Commissioner of Public Health or as
558 recommended for the child by the physician, physician assistant or
559 advanced practice registered nurse, shall be exempt from the
560 immunization requirements set forth in such regulations. The statement
561 described in subparagraph (A) of subdivision (3) of this subsection shall
562 be acknowledged, in accordance with the provisions of sections 1-32, 1-
563 34 and 1-35, by (i) a judge of a court of record or a family support
564 magistrate, (ii) a clerk or deputy clerk of a court having a seal, (iii) a
565 town clerk, (iv) a notary public, (v) a justice of the peace, or (vi) an
566 attorney admitted to the bar of this state.

567 (h) Any child who is enrolled in sixth grade or below on or before the
568 effective date of this section who presented, prior to the effective date of
569 this section, the statement described in subparagraph (A) of subdivision
570 (3) of subsection (g) of this section, but did not present the written
571 declaration described in subparagraph (B) of subdivision (3) of
572 subsection (g) of this section shall comply, on or before September 1,
573 2022, or not later than fourteen days after applying to enroll in the family
574 child care home, whichever is later, with the immunization
575 requirements set forth in the regulations adopted pursuant to subsection
576 (f) of this section.

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

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

600 [(i)] (k) Any family child care home may provide child care services
601 to a foster child for a period not to exceed forty-five days without
602 complying with any provision in regulations adopted pursuant to this
603 section relating to immunization and physical examination
604 requirements. Any family child care home that provides child care
605 services to a foster child at such home under this subsection shall
606 maintain a record on file of such foster child for a period of two years
607 after such foster child is no longer receiving child care services at such
608 home. For purposes of this subsection, "foster child" means a child who
609 is in the care and custody of the Commissioner of Children and Families
610 and placed in a foster home licensed pursuant to section 17a-114, foster
611 home approved by a child-placing agency licensed pursuant to section
612 17a-149, facility licensed pursuant to section 17a-145 or with a relative
613 or fictive kin caregiver pursuant to section 17a-114.

614 Sec. 7. (NEW) (*Effective from passage*) On or before October 1, 2021, the
615 Commissioner of Public Health shall develop and make available on the
616 Internet web site of the Department of Public Health a certificate for use
617 by a physician, physician assistant or advanced practice registered
618 nurse stating that, in the opinion of such physician, physician assistant
619 or advanced practice registered nurse, a vaccination required by the
620 general statutes is medically contraindicated for a person because of the
621 physical condition of such person. The certificate shall include (1)
622 definitions of the terms "contraindication" and "precaution", (2) a list of

623 contraindications and precautions recognized by the National Centers
624 for Disease Control and Prevention for each of the statutorily required
625 vaccinations, from which the physician, physician assistant or advanced
626 practice registered nurse may select the relevant contraindication or
627 precaution on behalf of such person, (3) a section in which the physician,
628 physician assistant or advanced practice registered nurse may record a
629 contraindication or precaution that is not recognized by the National
630 Centers for Disease Control and Prevention, but in his or her discretion,
631 results in the vaccination being medically contraindicated, including,
632 but not limited to, any autoimmune disorder, family history of any
633 autoimmune disorder, family history of any reaction to a vaccination,
634 genetic predisposition to any reaction to a vaccination as determined
635 through genetic testing and a previous documented reaction of a person
636 that is correlated to a vaccination, (4) a section in which the physician,
637 physician assistant or advanced practice registered nurse may include a
638 written explanation for the exemption from any statutorily required
639 vaccinations, (5) a section requiring the signature of the physician,
640 physician assistant or advanced practice registered nurse, (6) a
641 requirement that the physician, physician assistant or advanced practice
642 registered nurse attach such person's most current immunization
643 record, and (7) a synopsis of the grounds for any order of quarantine or
644 isolation pursuant to section 19a-131b of the general statutes.

645 Sec. 8. (NEW) (*Effective from passage*) (a) There is established an
646 Advisory Committee on Medically Contraindicated Vaccinations within
647 the Department of Public Health for the purpose of advising the
648 Commissioner of Public Health on issues concerning exemptions from
649 state or federal requirements for vaccinations that result from a
650 physician, physician assistant or advanced practice registered nurse
651 stating that a vaccination is medically contraindicated for a person due
652 to the medical condition of such person. Said advisory committee shall
653 not be responsible for confirming or denying any determination by a
654 physician, physician assistant or advanced practice registered nurse that
655 a vaccination is medically contraindicated for a specific individual. In
656 order to carry out its duties, the advisory committee shall (1) have access

657 to the childhood immunization registry established by the department
658 pursuant to section 19a-7h of the general statutes, (2) evaluate the
659 process used by the department in collecting data concerning
660 exemptions resulting from a vaccination being medically
661 contraindicated and whether the department should have any oversight
662 over such exemptions, (3) examine whether enrollment of an
663 unvaccinated child into a program operated by a public or nonpublic
664 school, institution of higher education, child care center or group child
665 care home should be conditioned upon the child meeting certain
666 criteria, (4) calculate the ratio of school nurses to students in each public
667 and nonpublic school in the state and the funding issues surrounding
668 such ratio, (5) assess whether immunizations should be required more
669 frequently than prior to enrollment into a program operated by a public
670 or nonpublic school and prior to entering seventh grade, and (6)
671 determine whether (A) there are any discrepancies in the issuance of
672 certificates stating that a vaccine is medically contraindicated, and (B) to
673 recommend continuing education of physicians, physician assistants or
674 advanced practice registered nurses in vaccine contraindications and
675 precautions. All information obtained by the advisory committee from
676 such registry shall be confidential pursuant to section 19a-25 of the
677 general statutes, as amended by this act.

678 (b) The advisory committee shall consist of the following members:

679 (1) Two appointed by the speaker of the House of Representatives,
680 one of whom shall be a physician licensed pursuant to chapter 370 of the
681 general statutes who is a pediatrician, and one of whom shall be a
682 member of the public;

683 (2) Two appointed by the president pro tempore of the Senate, one of
684 whom shall be a physician licensed pursuant to chapter 370 of the
685 general statutes who has expertise in the efficacy of vaccines, and one of
686 whom shall be a member of the public;

687 (3) One appointed by the majority leader of the House of
688 Representatives, who shall be a school nurse;

689 (4) One appointed by the majority leader of the Senate, who shall be
690 a physician assistant licensed pursuant to chapter 370 of the general
691 statutes who has experience in the administration of vaccines;

692 (5) One appointed by the minority leader of the House of
693 Representatives, who shall be an advanced practice registered nurse
694 licensed pursuant to chapter 378 of the general statutes who has
695 experience in the administration of vaccines;

696 (6) One appointed by the minority leader of the Senate, who shall be
697 a representative of the Connecticut Chapter of the American Academy
698 of Pediatrics;

699 (7) The Commissioner of Public Health, or the commissioner's
700 designee;

701 (8) The Commissioner of Education, or the commissioner's designee;
702 and

703 (9) The Commissioner of Early Childhood, or the commissioner's
704 designee.

705 (c) The members of the advisory committee shall elect a chairperson
706 of the advisory committee from among its members. Such chairperson
707 shall schedule the first meeting of the advisory committee, which shall
708 be held not later than October 1, 2021. The advisory committee shall
709 meet not less than biannually. On or before January 1, 2022, and
710 annually thereafter, the committee shall report, in accordance with the
711 provisions of section 11-4a of the general statutes, on its activities and
712 findings to the joint standing committee of the General Assembly
713 having cognizance of matters relating to public health.

714 Sec. 9. (NEW) (*Effective from passage*) The Department of Public
715 Health, in collaboration with the state Department of Education and the
716 Office of Early Childhood, shall evaluate all of the data collected by said
717 departments concerning exemptions from immunization requirements.
718 Not later than January 1, 2022, and annually thereafter, the

719 Commissioners of Public Health, Education and Early Childhood shall
720 jointly report, in accordance with the provisions of section 11-4a of the
721 general statutes, to the joint standing committees of the General
722 Assembly having cognizance of matters relating to public health and
723 education regarding the evaluation of such data.

724 Sec. 10. Subsection (a) of section 38a-492r of the general statutes is
725 repealed and the following is substituted in lieu thereof (*Effective January*
726 *1, 2022*):

727 (a) Each individual health insurance policy providing coverage of the
728 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469
729 delivered, issued for delivery, renewed, amended or continued in this
730 state that provides coverage for prescription drugs shall provide
731 [coverage for] (1) coverage for immunizations recommended by the
732 American Academy of Pediatrics, American Academy of Family
733 Physicians and the American College of Obstetricians and
734 Gynecologists, and (2) with respect to immunizations that have in effect
735 a recommendation from the Advisory Committee on Immunization
736 Practices of the Centers for Disease Control and Prevention with respect
737 to the individual involved, coverage for such immunizations and at least
738 a twenty-minute consultation between such individual and a health care
739 provider authorized to administer such immunizations to such
740 individual.

741 Sec. 11. Subsection (a) of section 38a-518r of the general statutes is
742 repealed and the following is substituted in lieu thereof (*Effective January*
743 *1, 2022*):

744 (a) Each group health insurance policy providing coverage of the type
745 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469
746 delivered, issued for delivery, renewed, amended or continued in this
747 state that provides coverage for prescription drugs shall provide
748 [coverage for] (1) coverage for immunizations recommended by the
749 American Academy of Pediatrics, American Academy of Family
750 Physicians and the American College of Obstetricians and

751 Gynecologists, and (2) with respect to immunizations that have in effect
 752 a recommendation from the Advisory Committee on Immunization
 753 Practices of the Centers for Disease Control and Prevention with respect
 754 to the individual involved, coverage for such immunizations and at least
 755 a twenty-minute consultation between such individual and a health care
 756 provider authorized to administer such immunizations to such
 757 individual."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-204a
Sec. 2	<i>from passage</i>	19a-25
Sec. 3	<i>from passage</i>	10a-155
Sec. 4	<i>from passage</i>	10a-155b(a)
Sec. 5	<i>from passage</i>	19a-79
Sec. 6	<i>from passage</i>	19a-87b
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>January 1, 2022</i>	38a-492r(a)
Sec. 11	<i>January 1, 2022</i>	38a-518r(a)