



General Assembly

Amendment

January Session, 2021

LCO No. 7487



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. (NEW) (*Effective from passage*) (a) There is established an
4 Advisory Committee on Medically Contraindicated Vaccinations within
5 the Department of Public Health for the purpose of advising the
6 Commissioner of Public Health on issues concerning exemptions from
7 state or federal requirements for vaccinations that result from a
8 physician, physician assistant or advanced practice registered nurse
9 stating that a vaccination is medically contraindicated for a person due
10 to the medical condition of such person. Said advisory committee shall
11 not be responsible for confirming or denying any determination by a

12 physician, physician assistant or advanced practice registered nurse that
13 a vaccination is medically contraindicated for a specific individual. In
14 order to carry out its duties, the advisory committee shall (1) have access
15 to the childhood immunization registry established by the department
16 pursuant to section 19a-7h of the general statutes, (2) evaluate the
17 process used by the department in collecting data concerning
18 exemptions resulting from a vaccination being medically
19 contraindicated and whether the department should have any oversight
20 over such exemptions, (3) examine whether enrollment of an
21 unvaccinated child into a program operated by a public or nonpublic
22 school, institution of higher education, child care center or group child
23 care home should be conditioned upon the child meeting certain
24 criteria, (4) calculate the ratio of school nurses to students in each public
25 and nonpublic school in the state and the funding issues surrounding
26 such ratio, (5) assess whether immunizations should be required more
27 frequently than prior to enrollment into a program operated by a public
28 or nonpublic school and prior to entering seventh grade, and (6)
29 determine whether (A) there are any discrepancies in the issuance of
30 certificates stating that a vaccine is medically contraindicated, and (B) to
31 recommend continuing education of physicians, physician assistants or
32 advanced practice registered nurses in vaccine contraindications and
33 precautions. All information obtained by the advisory committee from
34 such registry shall be confidential pursuant to section 19a-25 of the
35 general statutes, as amended by this act.

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

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

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

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

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

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

54 (6) One appointed by the minority leader of the Senate, who shall be
55 a representative of the Connecticut Chapter of the American Academy
56 of Pediatrics;

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

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

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

63 (c) The members of the advisory committee shall elect a chairperson
64 of the advisory committee from among its members. Such chairperson
65 shall schedule the first meeting of the advisory committee, which shall
66 be held not later than October 1, 2021. The advisory committee shall
67 meet not less than biannually. On or before January 1, 2022, and
68 annually thereafter, the committee shall report, in accordance with the
69 provisions of section 11-4a of the general statutes, on its activities and
70 findings to the joint standing committee of the General Assembly
71 having cognizance of matters relating to public health.

72 Sec. 2. (NEW) (*Effective from passage*) On or before July 1, 2022, and
73 annually thereafter, the Department of Public Health shall identify
74 schools that have less than ninety-five per cent of its students compliant

75 with the immunization requirements described in sections 10-204a, 10a-
76 155, 10a-155b, 19a-79 and 19a-87b of the general statutes, as amended by
77 this act, and develop and implement an educational program for such
78 schools, including, but not limited to, hosting a vaccination forum and
79 providing vaccine clinics at schools, provided students have parental
80 consent to attend such forums or clinics. On or before January 1, 2023,
81 and annually thereafter, the Commissioner of Public Health shall report,
82 in accordance with the provisions of section 11-4a of the general statutes,
83 to the joint standing committee of the General Assembly having
84 cognizance of matters relating to public health regarding the schools
85 identified and any educational programs implemented pursuant to this
86 section.

87 Sec. 3. Section 19a-79 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective from passage*):

89 (a) The Commissioner of Early Childhood shall adopt regulations, in
90 accordance with the provisions of chapter 54, to carry out the purposes
91 of sections 19a-77 to 19a-80, inclusive, and 19a-82 to 19a-87, inclusive,
92 and to assure that child care centers and group child care homes meet
93 the health, educational and social needs of children utilizing such child
94 care centers and group child care homes. Such regulations shall (1)
95 specify that before being permitted to attend any child care center or
96 group child care home, each child shall be protected as age-appropriate
97 by adequate immunization against diphtheria, pertussis, tetanus,
98 poliomyelitis, measles, mumps, rubella, hemophilus influenzae type B
99 and any other vaccine required by the schedule of active immunization
100 adopted pursuant to section 19a-7f, including appropriate exemptions
101 for children for whom such immunization is medically contraindicated
102 and for children whose parent or guardian objects to such immunization
103 on religious grounds, and that any objection by a parent or a guardian
104 to immunization of a child on religious grounds shall be accompanied
105 by a statement from such parent or guardian that such immunization
106 would be contrary to the religious beliefs of such child or the parent or
107 guardian of such child, which statement shall be acknowledged, in
108 accordance with the provisions of sections 1-32, 1-34 and 1-35, by (A) a

109 judge of a court of record or a family support magistrate, (B) a clerk or
110 deputy clerk of a court having a seal, (C) a town clerk, (D) a notary
111 public, (E) a justice of the peace, or (F) an attorney admitted to the bar
112 of this state, (2) specify conditions under which child care center
113 directors and teachers and group child care home providers may
114 administer tests to monitor glucose levels in a child with diagnosed
115 diabetes mellitus, and administer medicinal preparations, including
116 controlled drugs specified in the regulations by the commissioner, to a
117 child receiving child care services at such child care center or group
118 child care home pursuant to the written order of a physician licensed to
119 practice medicine or a dentist licensed to practice dental medicine in this
120 or another state, or an advanced practice registered nurse licensed to
121 prescribe in accordance with section 20-94a, or a physician assistant
122 licensed to prescribe in accordance with section 20-12d, and the written
123 authorization of a parent or guardian of such child, (3) specify that an
124 operator of a child care center or group child care home, licensed before
125 January 1, 1986, or an operator who receives a license after January 1,
126 1986, for a facility licensed prior to January 1, 1986, shall provide a
127 minimum of thirty square feet per child of total indoor usable space, free
128 of furniture except that needed for the children's purposes, exclusive of
129 toilet rooms, bathrooms, coatrooms, kitchens, halls, isolation room or
130 other rooms used for purposes other than the activities of the children,
131 (4) specify that a child care center or group child care home licensed
132 after January 1, 1986, shall provide thirty-five square feet per child of
133 total indoor usable space, (5) establish appropriate child care center
134 staffing requirements for employees certified in cardiopulmonary
135 resuscitation by the American Red Cross, the American Heart
136 Association, the National Safety Council, American Safety and Health
137 Institute, Medic First Aid International, Inc. or an organization using
138 guidelines for cardiopulmonary resuscitation and emergency
139 cardiovascular care published by the American Heart Association and
140 International Liaison Committee on Resuscitation, (6) specify that on
141 and after January 1, 2003, a child care center or group child care home
142 (A) shall not deny services to a child on the basis of a child's known or
143 suspected allergy or because a child has a prescription for an automatic

144 prefilled cartridge injector or similar automatic injectable equipment
145 used to treat an allergic reaction, or for injectable equipment used to
146 administer glucagon, (B) shall, not later than three weeks after such
147 child's enrollment in such a center or home, have staff trained in the use
148 of such equipment on-site during all hours when such a child is on-site,
149 (C) shall require such child's parent or guardian to provide the injector
150 or injectable equipment and a copy of the prescription for such
151 medication and injector or injectable equipment upon enrollment of
152 such child, and (D) shall require a parent or guardian enrolling such a
153 child to replace such medication and equipment prior to its expiration
154 date, (7) specify that on and after January 1, 2005, a child care center or
155 group child care home (A) shall not deny services to a child on the basis
156 of a child's diagnosis of asthma or because a child has a prescription for
157 an inhalant medication to treat asthma, and (B) shall, not later than three
158 weeks after such child's enrollment in such a center or home, have staff
159 trained in the administration of such medication on-site during all hours
160 when such a child is on-site, and (8) establish physical plant
161 requirements for licensed child care centers and licensed group child
162 care homes that exclusively serve school-age children. When
163 establishing such requirements, the Office of Early Childhood shall give
164 consideration to child care centers and group child care homes that are
165 located in private or public school buildings. With respect to this
166 subdivision only, the commissioner shall implement policies and
167 procedures necessary to implement the physical plant requirements
168 established pursuant to this subdivision while in the process of adopting
169 such policies and procedures in regulation form. Until replaced by
170 policies and procedures implemented pursuant to this subdivision, any
171 physical plant requirement specified in the office's regulations that is
172 generally applicable to child care centers and group child care homes
173 shall continue to be applicable to such centers and homes that
174 exclusively serve school-age children. The commissioner shall print
175 notice of the intent to adopt regulations pursuant to this subdivision on
176 the eRegulations System not later than twenty days after the date of
177 implementation of such policies and procedures. Policies and
178 procedures implemented pursuant to this subdivision shall be valid

179 until the time final regulations are adopted.

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

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

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

204 [(e)] (d) Any child care center or group child care home may provide
205 child care services to homeless children and youths, as defined in 42
206 USC 11434a, as amended from time to time, for a period not to exceed
207 ninety days without complying with any provision in regulations
208 adopted pursuant to this section relating to immunization and physical
209 examination requirements. Any child care center or group child care
210 home that provides child care services to homeless children and youths

211 at such center or home under this subsection shall maintain a record on
212 file of all homeless children and youths who have attended such center
213 or home for a period of two years after such homeless children or youths
214 are no longer receiving child care services at such center or home.

215 [(f)] (e) Any child care center or group child care home may provide
216 child care services to a foster child for a period not to exceed forty-five
217 days without complying with any provision in regulations adopted
218 pursuant to this section relating to immunization and physical
219 examination requirements. Any child care center or group child care
220 home that provides child care services to a foster child at such center or
221 home under this subsection shall maintain a record on file of such foster
222 child for a period of two years after such foster child is no longer
223 receiving child care services at such center or home. For purposes of this
224 subsection, "foster child" means a child who is in the care and custody
225 of the Commissioner of Children and Families and placed in a foster
226 home licensed pursuant to section 17a-114, foster home approved by a
227 child-placing agency licensed pursuant to section 17a-149, facility
228 licensed pursuant to section 17a-145 or with a relative or fictive kin
229 caregiver pursuant to section 17a-114.

230 Sec. 4. (NEW) (*Effective from passage*) On or before January 1, 2022, the
231 Department of Public Health shall develop a program providing
232 community-based educational sessions concerning vaccines. Such
233 sessions shall be open to all residents and include both in-person and
234 virtual question-and-answer sessions with a varied panel of physicians
235 licensed pursuant to chapter 370 of the general statutes, as determined
236 by the Commissioner of Public Health.

237 Sec. 5. (NEW) (*Effective from passage*) On or before January 1, 2022, the
238 Department of Public Health shall (1) provide sufficient resources to
239 school nurses to allow them to more efficiently track compliance with
240 immunization requirements set forth in the general statutes, and (2)
241 permit school nurses to electronically access the immunization data it
242 reports to the department and update such data as needed to ensure its
243 accuracy."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	19a-79
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section