

SENATE BILL No. 314

By Committee on Federal and State Affairs

3-15

1 AN ACT concerning public health; relating to immunizations; prohibiting
2 the secretary of health and environment from requiring a COVID-19
3 vaccination to attend at a child care facility or school; amending K.S.A.
4 65-508 and 72-6262 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-508 is hereby amended to read as follows: 65-
8 508. (a) ~~Any~~ A maternity center or child care facility subject to the
9 provisions of this act shall:

- 10 (1) Be properly heated, plumbed, lighted and ventilated;
11 (2) have plumbing, water and sewerage systems ~~which~~ that conform
12 to all applicable state and local laws; and
13 (3) be operated with strict regard to the health, safety and welfare of
14 any woman or child.

15 (b) Every maternity center or child care facility shall furnish or cause
16 to be furnished for the use of each resident and employee individual towel,
17 ~~wash cloth~~ washcloth, comb and individual drinking cup or sanitary
18 bubbling fountain, and toothbrushes for all other than infants, and shall
19 keep or require such articles to be kept at all times in a clean and sanitary
20 condition. Every maternity center or child care facility shall comply with
21 all applicable fire codes and rules and regulations of the state fire marshal.

22 (c) (1) The secretary of health and environment with the cooperation
23 of the secretary for children and families shall develop and adopt rules and
24 regulations for the operation and maintenance of maternity centers and
25 child care facilities. The rules and regulations for operating and
26 maintaining maternity centers and child care facilities shall be designed to
27 promote the health, safety and welfare of any woman or child served in
28 such facilities by ensuring safe and adequate physical surroundings,
29 healthful food, adequate handwashing, safe storage of toxic substances and
30 hazardous chemicals, sanitary diapering and toileting, home sanitation,
31 supervision and care of the residents by capable, qualified persons of
32 sufficient number, after-hour care, an adequate program of activities and
33 services, sudden infant death syndrome and safe sleep practices training,
34 prohibition on corporal punishment, crib safety, protection from electrical
35 hazards, protection from swimming pools and other water sources, fire
36 drills, emergency plans, safety of outdoor playground surfaces, door locks,

1 safety gates and transportation and such appropriate parental participation
2 as may be feasible under the circumstances. Boarding schools are excluded
3 from requirements regarding the number of qualified persons who must
4 supervise and provide care to residents.

5 (2) Rules and regulations developed under this subsection shall
6 include provisions for the competent supervision and care of children in
7 day care facilities. For purposes of such rules and regulations, competent
8 supervision as this term relates to children less than five years of age
9 includes, but is not limited to, direction of activities, adequate oversight
10 including sight or sound monitoring, or both, physical proximity to
11 children, diapering and toileting practices; and for all children, competent
12 supervision includes, but is not limited to, planning and supervision of
13 daily activities, safe sleep practices, including, but not limited to, visual or
14 sound monitoring, periodic checking, emergency response procedures and
15 drills, illness and injury response procedures, food service preparation and
16 sanitation, playground supervision, pool and water safety practices.

17 (d) In addition to any rules and regulations adopted under this section
18 for safe sleep practices, child care facilities shall ensure that all of the
19 following requirements are met for children under 12 months of age:

20 (1) A child shall only be placed to sleep on a surface and in an area
21 that has been approved for use as such by the secretary of health and
22 environment;

23 (2) the sleep surface shall be free from soft or loose bedding,
24 including, but not limited to, blankets, bumpers and pillows; and

25 (3) the sleep surface shall be free from toys, including mobiles and
26 other types of play equipment or devices.

27 (e) Child care facilities shall ensure that children over 12 months of
28 age only be placed to sleep on a surface and in an area that has been
29 approved for use as such by the secretary of health and environment.

30 (f) The secretary of health and environment may exercise discretion
31 to make exceptions to requirements in subsections (d) and (e) where
32 special health needs exist.

33 (g) (1) Each child cared for in a child care facility, including children
34 of the person maintaining the facility, shall be required to have current
35 such immunizations as the secretary of health and environment considers
36 necessary. The person maintaining a child care facility shall maintain a
37 record of each child's immunizations and shall provide to the secretary of
38 health and environment such information relating thereto, in accordance
39 with rules and regulations of the secretary, but the person maintaining a
40 child care facility shall not have such person's license revoked solely for
41 the failure to have or to maintain the immunization records required by
42 this subsection.

43 (2) (A) *The secretary of health and environment shall not require a*

1 *child cared for in a child care facility to receive a COVID-19 vaccine.*

2 *(B) As used in this paragraph, "COVID-19 vaccine" means an*
3 *immunization, vaccination or injection against disease caused by the novel*
4 *coronavirus identified as SARS-CoV-2 or disease caused by a variant of*
5 *the virus.*

6 (h) The immunization requirement of subsection (g) shall not apply if
7 one of the following is obtained:

8 (1) Certification from a licensed physician stating that the physical
9 condition of the child is such that immunization would endanger the child's
10 life or health; or

11 (2) a written statement signed by a parent or guardian that the parent
12 or guardian is an adherent of a religious denomination whose teachings are
13 opposed to immunizations.

14 Sec. 2. K.S.A. 72-6262 is hereby amended to read as follows: 72-
15 6262. (a) *(1) In each school year, every-pupil student* enrolling or enrolled
16 in any school for the first time in this state, and each child enrolling or
17 enrolled for the first time in a preschool or day care program operated by a
18 school, and such other-~~pupils~~ *students* as may be designated by the
19 secretary, prior to admission to and attendance at school, shall present to
20 the appropriate school board certification from a physician or local health
21 department that the-~~pupil~~ *student* has received such tests and inoculations
22 as are deemed necessary by the secretary by such means as are approved
23 by the secretary. ~~Pupils~~ *Students* who have not completed the required
24 inoculations may enroll or remain enrolled while completing the required
25 inoculations if a physician or local health department certifies that the
26 ~~pupil~~ *student* has received the most recent appropriate inoculations in all
27 required series. Failure to timely complete all required series shall be
28 deemed non-compliance.

29 *(2) (A) The secretary of health and environment shall not require a*
30 *student described in paragraph (1) to receive a COVID-19 vaccine.*

31 *(B) As used in this paragraph, "COVID-19 vaccine" means an*
32 *immunization, vaccination or injection against disease caused by the novel*
33 *coronavirus identified as SARS-CoV-2 or disease caused by a variant of*
34 *the virus.*

35 (b) As an alternative to the certification required under subsection (a),
36 a-~~pupil~~ *student* shall present:

37 (1) An annual written statement signed by a licensed physician stating
38 the physical condition of the child-~~to be~~ *is* such that the tests or
39 inoculations would seriously endanger the life or health of the child; or

40 (2) a written statement signed by *at least* one parent or guardian
41 *stating* that the child is an adherent of a religious denomination whose
42 religious teachings are opposed to such tests or inoculations.

43 (c) On or before May 15 of each school year, the school board of

1 every school affected by this act shall notify the parents or guardians of all
2 known ~~pupils~~ *students* who are enrolled or who will be enrolling in the
3 school of the provisions this act and any policy regarding the
4 implementation of the provisions of this act adopted by the school board.

5 (d) If a ~~pupil~~ *student* transfers from one school to another, the school
6 from which the ~~pupil~~ *student* transfers shall forward with the ~~pupil's~~
7 *student's* transcript the certification or statement showing evidence of
8 compliance with the requirements of this act to the school to which the
9 ~~pupil~~ *student* transfers.

10 Sec. 3. K.S.A. 65-508 and 72-6262 are hereby repealed.

11 Sec. 4. This act shall take effect and be in force from and after its
12 publication in the Kansas register.