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Representatives Smith, Antonio

**Cosponsors: Representatives Letson, Pillich, Stebelton, Fedor, Brown,
Sprague, Anielski, Bishoff, Blessing, Burkley, Duffey, Green, Grossman,
Rogers, Rosenberger, Sears, Terhar, Wachtmann Speaker Batchelder**

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A B I L L

To amend sections 5104.015, 5104.017, and 5104.018 1
and to enact section 5104.014 of the Revised Code 2
to require children enrolled in licensed child 3
care facilities to be immunized against specified 4
diseases, subject to certain exceptions. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5104.015, 5104.017, and 5104.018 be 6
amended and section 5104.014 of the Revised Code be enacted to 7
read as follows: 8

Sec. 5104.014. (A) As used in this section: 9

(1) "Child" includes both of the following: 10

(a) An infant, toddler, or preschool age child; 11

(b) A school-age child who is enrolled in a child day-care 12
center, type A family day-care home, or licensed type B family 13
day-care home but is not enrolled in a public or nonpublic school. 14

(2) "In the process of being immunized" means having received 15
at least the first dose of an immunization sequence and complying 16

with the immunization intervals or catch-up schedule prescribed by 17
the director of health. 18

(B) Except as provided in division (C) of this section, not 19
later than thirty days after enrollment in a child day-care 20
center, type A family day-care home, or licensed type B family 21
day-care home and every thirteen months thereafter while enrolled 22
in the center or home, each child's caretaker parent shall provide 23
to the center or home a medical statement, as described in 24
division (D) of this section, indicating that the child has been 25
immunized against or is in the process of being immunized against 26
all of the following diseases: 27

(1) Chicken pox; 28

(2) Diphtheria; 29

(3) Haemophilus influenzae type b; 30

(4) Hepatitis A; 31

(5) Hepatitis B; 32

(6) Influenza; 33

(7) Measles; 34

(8) Mumps; 35

(9) Pertussis; 36

(10) Pneumococcal disease; 37

(11) Poliomyelitis; 38

(12) Rotavirus; 39

(13) Rubella; 40

(14) Tetanus. 41

(C)(1) A child is not required to be immunized against a 42
disease specified in division (B) of this section if any of the 43
following is the case: 44

(a) Immunization against the disease is medically 45
contraindicated for the child; 46

(b) The child's parent or guardian has declined to have the 47
child immunized against the disease for reasons of conscience, 48
including religious convictions; 49

(c) Immunization against the disease is not medically 50
appropriate for the child's age. 51

(2) In the case of influenza, a child is not required to be 52
immunized against the disease if the seasonal vaccine is not 53
available. 54

(D)(1) The medical statement shall include all of the 55
following information: 56

(a) The dates that a child received immunizations against 57
each of the diseases specified in division (B) of this section; 58

(b) Whether a child is subject to any of the exceptions 59
specified in division (C) of this section. 60

(2) The medical statement shall include a component where a 61
parent or guardian may indicate that the parent or guardian has 62
declined to have the child immunized. 63

Sec. 5104.015. The director of job and family services shall 64
adopt rules in accordance with Chapter 119. of the Revised Code 65
governing the operation of child day-care centers, including 66
parent cooperative centers, part-time centers, drop-in centers, 67
and school-age child care centers. The rules shall reflect the 68
various forms of child care and the needs of children receiving 69
child care or publicly funded child care and shall include 70
specific rules for school-age child care centers that are 71
developed in consultation with the department of education. The 72
rules shall not require an existing school facility that is in 73
compliance with applicable building codes to undergo an additional 74

building code inspection or to have structural modifications. The 75
rules shall include the following: 76

(A) Submission of a site plan and descriptive plan of 77
operation to demonstrate how the center proposes to meet the 78
requirements of this chapter and rules adopted pursuant to this 79
chapter for the initial license application; 80

(B) Standards for ensuring that the physical surroundings of 81
the center are safe and sanitary including the physical 82
environment, the physical plant, and the equipment of the center; 83

(C) Standards for the supervision, care, and discipline of 84
children receiving child care or publicly funded child care in the 85
center; 86

(D) Standards for a program of activities, and for play 87
equipment, materials, and supplies, to enhance the development of 88
each child; however, any educational curricula, philosophies, and 89
methodologies that are developmentally appropriate and that 90
enhance the social, emotional, intellectual, and physical 91
development of each child shall be permissible. As used in this 92
division, "program" does not include instruction in religious or 93
moral doctrines, beliefs, or values that is conducted at child 94
day-care centers owned and operated by churches and does include 95
methods of disciplining children at child day-care centers. 96

(E) Admissions policies and procedures, ~~health;~~ 97

(F) Health care policies and procedures, including procedures 98
for the isolation of children with communicable diseases, ~~first;~~ 99

(G) First aid and emergency procedures, ~~procedures;~~ 100

(H) Procedures for discipline and supervision of children, ~~standards;~~ 101
standards; 102

(I) Standards for the provision of nutritious meals and 103
snacks, ~~and procedures;~~ 104

<u>(J) Procedures for screening children and employees, that may</u>	105
include any necessary physical examinations and <u>shall include</u>	106
immunizations <u>in accordance with section 5104.014 of the Revised</u>	107
<u>Code;</u>	108
(F) <u>(K) Procedures for screening employees that may include</u>	109
<u>any necessary physical examinations and immunizations;</u>	110
<u>(L) Methods for encouraging parental participation in the</u>	111
center and methods for ensuring that the rights of children,	112
parents, and employees are protected and that responsibilities of	113
parents and employees are met;	114
(G) <u>(M) Procedures for ensuring the safety and adequate</u>	115
supervision of children traveling off the premises of the center	116
while under the care of a center employee;	117
(H) <u>(N) Procedures for record keeping, organization, and</u>	118
administration;	119
(I) <u>(O) Procedures for issuing, denying, and revoking a</u>	120
license that are not otherwise provided for in Chapter 119. of the	121
Revised Code;	122
(J) <u>(P) Inspection procedures;</u>	123
(K) <u>(Q) Procedures and standards for setting initial license</u>	124
application fees;	125
(L) <u>(R) Procedures for receiving, recording, and responding to</u>	126
complaints about centers;	127
(M) <u>(S) Procedures for enforcing section 5104.04 of the</u>	128
Revised Code;	129
(N) <u>(T) A standard requiring the inclusion of a current</u>	130
department of job and family services toll-free telephone number	131
on each center provisional license or license which any person may	132
use to report a suspected violation by the center of this chapter	133
or rules adopted pursuant to this chapter;	134

~~(O)~~(U) Requirements for the training of administrators and 135
child-care staff members in first aid, in prevention, recognition, 136
and management of communicable diseases, and in child abuse 137
recognition and prevention. Training requirements for child 138
day-care centers adopted under this division shall be consistent 139
with sections 5104.034 and 5104.037 of the Revised Code. 140

~~(P)~~(V) Standards providing for the special needs of children 141
who are handicapped or who require treatment for health conditions 142
while the child is receiving child care or publicly funded child 143
care in the center; 144

~~(Q)~~(W) A procedure for reporting of injuries of children that 145
occur at the center; 146

~~(R)~~(X) Standards for licensing child day-care centers for 147
children with short-term illnesses and other temporary medical 148
conditions; 149

~~(S)~~(Y) Any other procedures and standards necessary to carry 150
out the provisions of this chapter regarding child day-care 151
centers. 152

Sec. 5104.017. The director of job and family services shall 153
adopt rules pursuant to Chapter 119. of the Revised Code governing 154
the operation of type A family day-care homes, including parent 155
cooperative type A homes, part-time type A homes, drop-in type A 156
homes, and school-age child type A homes. The rules shall reflect 157
the various forms of child care and the needs of children 158
receiving child care. The rules shall include the following: 159

(A) Submission of a site plan and descriptive plan of 160
operation to demonstrate how the type A home proposes to meet the 161
requirements of this chapter and rules adopted pursuant to this 162
chapter for the initial license application; 163

(B) Standards for ensuring that the physical surroundings of 164

the type A home are safe and sanitary, including the physical 165
environment, the physical plant, and the equipment of the type A 166
home; 167

(C) Standards for the supervision, care, and discipline of 168
children receiving child care or publicly funded child care in the 169
type A home; 170

(D) Standards for a program of activities, and for play 171
equipment, materials, and supplies, to enhance the development of 172
each child; however, any educational curricula, philosophies, and 173
methodologies that are developmentally appropriate and that 174
enhance the social, emotional, intellectual, and physical 175
development of each child shall be permissible; 176

(E) Admissions policies and procedures, ~~health;~~ 177

(F) Health care policies and procedures, including procedures 178
for the isolation of children with communicable diseases, ~~first;~~ 179

(G) First aid and emergency procedures, ~~procedures;~~ 180

(H) Procedures for discipline and supervision of children, ~~standards;~~ 181
standards; 182

(I) Standards for the provision of nutritious meals and 183
snacks, ~~and procedures;~~ 184

(J) Procedures for screening children ~~and employees,~~ 185
including any necessary physical examinations and the 186
immunizations required pursuant to section 5104.014 of the Revised 187
Code; 188

~~(F)~~ (K) Procedures for screening employees, including any 189
necessary physical examinations and immunizations; 190

(L) Methods for encouraging parental participation in the 191
type A home and methods for ensuring that the rights of children, 192
parents, and employees are protected and that the responsibilities 193
of parents and employees are met; 194

(G) <u>(M)</u> Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	195 196 197
(H) <u>(N)</u> Procedures for record keeping, organization, and administration;	198 199
(I) <u>(O)</u> Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	200 201 202
(J) <u>(P)</u> Inspection procedures;	203
(K) <u>(Q)</u> Procedures and standards for setting initial license application fees;	204 205
(L) <u>(R)</u> Procedures for receiving, recording, and responding to complaints about type A homes;	206 207
(M) <u>(S)</u> Procedures for enforcing section 5104.04 of the Revised Code;	208 209
(N) <u>(T)</u> A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	210 211 212 213 214
(O) <u>(U)</u> Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	215 216 217 218
(P) <u>(V)</u> Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	219 220 221 222
(Q) <u>(W)</u> Standards for the maximum number of children per child-care staff member;	223 224

(R) <u>(X)</u> Requirements for the amount of usable indoor floor space for each child;	225 226
(S) <u>(Y)</u> Requirements for safe outdoor play space;	227
(T) <u>(Z)</u> Qualifications and training requirements for administrators and for child-care staff members;	228 229
(U) <u>(AA)</u> Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	230 231 232
(V) <u>(BB)</u> Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	233 234
(W) <u>(CC)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	235 236
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	237 238 239 240 241 242 243
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code.	244 245 246
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	247 248 249
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	250 251 252
(D) Standards for a program of activities, and for play	253

equipment, materials, and supplies to enhance the development of	254
each child; however, any educational curricula, philosophies, and	255
methodologies that are developmentally appropriate and that	256
enhance the social, emotional, intellectual, and physical	257
development of each child shall be permissible;	258
(E) Admission policies and procedures, health;	259
(F) <u>Health</u> care, first aid and emergency procedures, 	260
procedures;	261
(G) <u>Procedures</u> for the care of sick children, procedures;	262
(H) <u>Procedures</u> for discipline and supervision of children, 	263
nutritional;	264
(I) <u>Nutritional</u> standards, and procedures;	265
(J) <u>Procedures</u> for screening children and administrators,	266
including any necessary physical examinations and <u>the</u>	267
immunizations <u>required pursuant to section 5104.014 of the Revised</u>	268
<u>Code;</u>	269
(F) (K) <u>Procedures for screening administrators, including any</u>	270
<u>necessary physical examinations and immunizations;</u>	271
(L) Methods of encouraging parental participation and	272
ensuring that the rights of children, parents, and administrators	273
are protected and the responsibilities of parents and	274
administrators are met;	275
(G) (M) Standards for the safe transport of children when	276
under the care of administrators;	277
(H) (N) Procedures for issuing, denying, or revoking licenses;	278
(I) (O) Procedures for the inspection of type B homes that	279
require, at a minimum, that each type B home be inspected prior to	280
licensure to ensure that the home is safe and sanitary;	281
(J) (P) Procedures for record keeping and evaluation;	282

(K) <u>(O)</u> Procedures for receiving, recording, and responding to complaints;	283 284
(L) <u>(R)</u> Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	285 286 287 288
(M) <u>(S)</u> Requirements for the amount of usable indoor floor space for each child;	289 290
(N) <u>(T)</u> Requirements for safe outdoor play space;	291
(O) <u>(U)</u> Qualification and training requirements for administrators;	292 293
(P) <u>(V)</u> Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	294 295 296
(Q) <u>(W)</u> Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	297 298 299
(R) <u>(X)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	300 301 302
Section 2. That existing sections 5104.015, 5104.017, and 5104.018 of the Revised Code are hereby repealed.	303 304