

**As Reported by the House Health and Aging Committee**

**130th General Assembly  
Regular Session  
2013-2014**

**Sub. H. B. No. 536**

**Representatives Smith, Antonio**

**Cosponsors: Representatives Letson, Pillich, Stebelton, Fedor, Brown,  
Sprague**

**—**

**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 present 23  
written evidence to the center or home that the child has been 24  
immunized against or is in the process of being immunized against 25  
all of the following diseases: 26

(1) Chicken pox; 27

(2) Diphtheria; 28

(3) Haemophilus influenzae type b; 29

(4) Hepatitis A; 30

(5) Hepatitis B; 31

(6) Influenza; 32

(7) Measles; 33

(8) Mumps; 34

(9) Pertussis; 35

(10) Pneumococcal disease; 36

(11) Poliomyelitis; 37

(12) Rotavirus; 38

(13) Rubella; 39

(14) Tetanus. 40

(C)(1) A child is not required to be immunized against a 41  
disease specified in division (B) of this section if the child's 42  
physician, advanced practice registered nurse, or physician 43  
assistant certifies in writing any of the following: 44

(a) That immunization against the disease is medically 45

contraindicated for the child; 46

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

(c) That 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 child's physician, advanced 53  
practice registered nurse, or physician assistant certifies in 54  
writing that the seasonal vaccine is not available. 55

**Sec. 5104.015.** The director of job and family services shall 56  
adopt rules in accordance with Chapter 119. of the Revised Code 57  
governing the operation of child day-care centers, including 58  
parent cooperative centers, part-time centers, drop-in centers, 59  
and school-age child care centers. The rules shall reflect the 60  
various forms of child care and the needs of children receiving 61  
child care or publicly funded child care and shall include 62  
specific rules for school-age child care centers that are 63  
developed in consultation with the department of education. The 64  
rules shall not require an existing school facility that is in 65  
compliance with applicable building codes to undergo an additional 66  
building code inspection or to have structural modifications. The 67  
rules shall include the following: 68

(A) Submission of a site plan and descriptive plan of 69  
operation to demonstrate how the center proposes to meet the 70  
requirements of this chapter and rules adopted pursuant to this 71  
chapter for the initial license application; 72

(B) Standards for ensuring that the physical surroundings of 73  
the center are safe and sanitary including the physical 74  
environment, the physical plant, and the equipment of the center; 75

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	76 77 78
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.	79 80 81 82 83 84 85 86 87 88
(E) Admissions policies and procedures, <del>health;</del>	89
(F) <u>Health</u> care policies and procedures, including procedures for the isolation of children with communicable diseases, <del>first;</del>	90 91
(G) <u>First</u> aid and emergency procedures, <del>procedures;</del>	92
(H) <u>Procedures</u> for discipline and supervision of children, <del>standards;</del>	93 94
(I) <u>Standards</u> for the provision of nutritious meals and snacks, <del>and procedures;</del>	95 96
(J) <u>Procedures</u> for screening children <del>and employees,</del> that may include any necessary physical examinations and <u>shall include</u> immunizations <u>in accordance with section 5104.014 of the Revised Code;</u>	97 98 99 100
<del>(F)</del> (K) <u>Procedures for screening employees that may include any necessary physical examinations and immunizations;</u>	101 102
(L) <u>Methods</u> for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of	103 104 105

parents and employees are met;	106
<del>(G)</del> (M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	107 108 109
<del>(H)</del> (N) Procedures for record keeping, organization, and administration;	110 111
<del>(I)</del> (O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	112 113 114
<del>(J)</del> (P) Inspection procedures;	115
<del>(K)</del> (Q) Procedures and standards for setting initial license application fees;	116 117
<del>(L)</del> (R) Procedures for receiving, recording, and responding to complaints about centers;	118 119
<del>(M)</del> (S) Procedures for enforcing section 5104.04 of the Revised Code;	120 121
<del>(N)</del> (T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	122 123 124 125 126
<del>(O)</del> (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. Training requirements for child day-care centers adopted under this division shall be consistent with sections 5104.034 and 5104.037 of the Revised Code.	127 128 129 130 131 132
<del>(P)</del> (V) 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	133 134 135

care in the center;	136
<del>(Q)</del> (W) A procedure for reporting of injuries of children that occur at the center;	137 138
<del>(R)</del> (X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	139 140 141
<del>(S)</del> (Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	142 143 144
<b>Sec. 5104.017.</b> The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school-age child type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:	145 146 147 148 149 150 151
(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;	152 153 154 155
(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;	156 157 158 159
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	160 161 162
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and	163 164 165

methodologies that are developmentally appropriate and that	166
enhance the social, emotional, intellectual, and physical	167
development of each child shall be permissible;	168
(E) Admissions policies and procedures, <del>health;</del>	169
(F) <u>Health</u> care policies and procedures, including procedures	170
for the isolation of children with communicable diseases, <del>first;</del>	171
(G) <u>First</u> aid and emergency procedures, <del>procedures;</del>	172
(H) <u>Procedures</u> for discipline and supervision of children, <del></del>	173
<del>standards;</del>	174
(I) <u>Standards</u> for the provision of nutritious meals and	175
snacks, <del>and procedures;</del>	176
(J) <u>Procedures</u> for screening children <del>and employees,</del>	177
including any necessary physical examinations and <u>the</u>	178
immunizations <u>required pursuant to section 5104.014 of the Revised</u>	179
<u>Code;</u>	180
<del>(F)</del> (K) <u>Procedures for screening employees, including any</u>	181
<u>necessary physical examinations and immunizations;</u>	182
(L) Methods for encouraging parental participation in the	183
type A home and methods for ensuring that the rights of children,	184
parents, and employees are protected and that the responsibilities	185
of parents and employees are met;	186
<del>(G)</del> (M) Procedures for ensuring the safety and adequate	187
supervision of children traveling off the premises of the type A	188
home while under the care of a type A home employee;	189
<del>(H)</del> (N) Procedures for record keeping, organization, and	190
administration;	191
<del>(I)</del> (O) Procedures for issuing, denying, and revoking a	192
license that are not otherwise provided for in Chapter 119. of the	193
Revised Code;	194

<del>(J)</del> <u>(P)</u> Inspection procedures;	195
<del>(K)</del> <u>(O)</u> Procedures and standards for setting initial license application fees;	196 197
<del>(L)</del> <u>(R)</u> Procedures for receiving, recording, and responding to complaints about type A homes;	198 199
<del>(M)</del> <u>(S)</u> Procedures for enforcing section 5104.04 of the Revised Code;	200 201
<del>(N)</del> <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;	202 203 204 205 206
<del>(O)</del> <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;	207 208 209 210
<del>(P)</del> <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;	211 212 213 214
<del>(Q)</del> <u>(W)</u> Standards for the maximum number of children per child-care staff member;	215 216
<del>(R)</del> <u>(X)</u> Requirements for the amount of usable indoor floor space for each child;	217 218
<del>(S)</del> <u>(Y)</u> Requirements for safe outdoor play space;	219
<del>(T)</del> <u>(Z)</u> Qualifications and training requirements for administrators and for child-care staff members;	220 221
<del>(U)</del> <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;	222 223 224



~~(V)~~(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians; 225  
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~~(W)~~(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes. 227  
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**Sec. 5104.018.** The director of job and family services shall 229  
adopt rules in accordance with Chapter 119. of the Revised Code 230  
governing the licensure of type B family day-care homes. The rules 231  
shall provide for safeguarding the health, safety, and welfare of 232  
children receiving child care or publicly funded child care in a 233  
licensed type B family day-care home and shall include all of the 234  
following: 235

(A) Requirements for the type B home to notify parents with 236  
children in the type B home that the type B home is certified as a 237  
foster home under section 5103.03 of the Revised Code. 238

(B) Standards for ensuring that the type B home and the 239  
physical surroundings of the type B home are safe and sanitary, 240  
including physical environment, physical plant, and equipment; 241

(C) Standards for the supervision, care, and discipline of 242  
children receiving child care or publicly funded child care in the 243  
home; 244

(D) Standards for a program of activities, and for play 245  
equipment, materials, and supplies to enhance the development of 246  
each child; however, any educational curricula, philosophies, and 247  
methodologies that are developmentally appropriate and that 248  
enhance the social, emotional, intellectual, and physical 249  
development of each child shall be permissible; 250

(E) Admission policies and procedures, ~~health;~~ 251

(F) Health care, first aid and emergency procedures, ~~252~~  
~~procedures;~~ 253

(G) Procedures for the care of sick children, ~~procedures;~~ 254

<u>(H) Procedures for discipline and supervision of children,</u>	255
<u>nutritional;</u>	256
<u>(I) Nutritional standards, and procedures;</u>	257
<u>(J) Procedures for screening children and administrators,</u>	258
including any necessary physical examinations and <u>the</u>	259
immunizations <u>required pursuant to section 5104.014 of the Revised</u>	260
<u>Code;</u>	261
<del>(F)</del> <u>(K) Procedures for screening administrators, including any</u>	262
<u>necessary physical examinations and immunizations;</u>	263
<u>(L) Methods of encouraging parental participation and</u>	264
ensuring that the rights of children, parents, and administrators	265
are protected and the responsibilities of parents and	266
administrators are met;	267
<del>(G)</del> <u>(M) Standards for the safe transport of children when</u>	268
under the care of administrators;	269
<del>(H)</del> <u>(N) Procedures for issuing, denying, or revoking licenses;</u>	270
<del>(I)</del> <u>(O) Procedures for the inspection of type B homes that</u>	271
require, at a minimum, that each type B home be inspected prior to	272
licensure to ensure that the home is safe and sanitary;	273
<del>(J)</del> <u>(P) Procedures for record keeping and evaluation;</u>	274
<del>(K)</del> <u>(Q) Procedures for receiving, recording, and responding to</u>	275
complaints;	276
<del>(L)</del> <u>(R) Standards providing for the special needs of children</u>	277
who are handicapped or who receive treatment for health conditions	278
while the child is receiving child care or publicly funded child	279
care in the type B home;	280
<del>(M)</del> <u>(S) Requirements for the amount of usable indoor floor</u>	281
space for each child;	282
<del>(N)</del> <u>(T) Requirements for safe outdoor play space;</u>	283

<del>(O)</del> <u>(U)</u> Qualification and training requirements for administrators;	284 285
<del>(P)</del> <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;	286 287 288
<del>(Q)</del> <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;	289 290 291
<del>(R)</del> <u>(X)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	292 293 294
<b>Section 2.</b> That existing sections 5104.015, 5104.017, and 5104.018 of the Revised Code are hereby repealed.	295 296