

**PROPOSED REGULATION OF THE  
STATE BOARD OF HEALTH**

**Citation of Authority**

NRS 392.435 (1) (g) authorizes the State Board of Health to add diseases to the list of those which children must be immunized against in order to be admitted to a public school.

**NRS 392.435 Immunization of pupils: Certificate prerequisite to enrollment; conditional enrollment; effect of failure to immunize; report to Health Division; inclusion of certificate in pupil's record.**

1. Unless excused because of religious belief or medical condition, a child may not be enrolled in a public school within this state unless his parents or guardian submit to the board of trustees of the school district in which the child resides or the governing body of the charter school in which the child has been accepted for enrollment a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and
- (g) Such other diseases as the local board of health or the State Board of Health may determine.

**Proposed Language to be added to NAC 392**

***NAC 392 Pertussis over 6 years of age***

- 1. The state board of health hereby declares the diseases of Bordetella pertussis over 6 years of age to be a communicable disease.***
- 2. Unless excused because of religious belief or medical condition, a child may not be admitted into grade 7 in this state after June 30, 2008, unless he has been immunized against Bordetella pertussis.***
- 3. For purposes of this section, immunized against Bordetella pertussis means at least one dose of Bordetella pertussis-containing vaccine after age 10.***

**Citation of Authority**

NRS 394.192 (1) (g) authorizes the State Board of Health to add diseases to the list of those which children must be immunized against in order to be admitted to a private school.

**NRS 394.192 Immunization of pupils: Certificate prerequisite to enrollment; conditional enrollment; effect of failure to immunize; report to Health Division; inclusion of certificate in pupil's record.**

1. Unless excused because of religious belief or medical condition, a child may not be enrolled in a private school within this state unless his parents or guardian submit to the

governing body of the private school a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and
- (g) Such other diseases as the local board of health or the State Board of Health may determine.

**Proposed Language to be added to NAC 394**

***NAC 394 Pertussis over 6 years of age***

- 1. The state board of health hereby declares the diseases of Bordetella pertussis over 6 years of age to be a communicable disease.***
- 2. Unless excused because of religious belief or medical condition, a child may not be enrolled/admitted into grade 7 in this state after June 30, 2008, unless he has been immunized against Bordetella pertussis.***
- 3. For purposes of this section, immunized against Bordetella pertussis means at least one dose of Bordetella pertussis-containing vaccine after age 10.***

**Citation of Authority**

NRS 432A.230 (1) (g) authorizes the State Board of Health to add diseases to the list of those which children must be immunized against in order to be admitted to a childcare facility.

**NRS 432A.230 Certificate of immunization prerequisite to admission to child care facility; conditional admission; report to Health Division.**

1. Except as otherwise provided in subsection 3 and unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility within this state, including a facility licensed by a county or city, unless his parents or guardian submit to the operator of the facility a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and
- (g) Such other diseases as the local board of health or the State Board of Health may determine.

**Proposed Language to be added to NAC 432A**

***NAC 432A Hepatitis A***

- 1. The State Board of Health hereby declares infection with Hepatitis A to be a communicable disease.***
- 2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a child care facility in this state unless he has been immunized against Hepatitis A.***

***NAC 432A Hepatitis B***

- 1. The State Board of Health hereby declares infection with Hepatitis B to be a communicable disease.***
- 2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a child care facility in this state unless he has been immunized against Hepatitis B.***

***NAC 432A Varicella***

- 1. The State Board of Health hereby declares infection with Varicella to be a communicable disease.***
- 2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a child care facility in this state unless he has been immunized against Varicella.***

***NAC 432A Streptococcus pneumoniae***

- 1. The State Board of Health hereby declares infection with Streptococcus pneumoniae to be a communicable disease.***
- 2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a child care facility in this state unless he has been immunized against Streptococcus pneumoniae.***

**Citation of Authority**

**NRS 441A.120 Regulations of State Board of Health.** The Board shall adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. The regulations must specify:

1. The diseases which are known to be communicable.
2. The communicable diseases which are known to be sexually transmitted.
3. The procedures for investigating and reporting cases or suspected cases of communicable diseases, including the time within which these actions must be taken.
4. For each communicable disease, the procedures for testing, treating, isolating and quarantining a person or group of persons who have been exposed to or have or are suspected of having the disease.
5. A method for ensuring that any testing, treatment, isolation or quarantine of a person or a group of persons pursuant to this chapter is carried out in the least restrictive manner or environment that is appropriate and acceptable under current medical and public health practices.

**AB 242 of the 2007 Legislative Session - NRS 441A.** Though not passed in the 2007 Nevada Legislative session, AB242 intended to require the vaccination of certain university students

against Meningococcal Disease. The Health Division, in discussions with the bill sponsor, Dr. Garn Mabey, will proceed with the regulatory process by amending NAC 441A.

**AB 242**

**Section 1.** Chapter 441A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the Board shall adopt regulations requiring the immunization against meningococcal disease of students who are enrolled in a university, state college or community college within the Nevada System of Higher Education for those students who:

(a) Reside in housing that is offered by or through the System or the institution in which the student is enrolled; or

(b) Are in a category of students for which the Board determines, in consultation with the Chancellor of the System, are necessary to receive the immunization.

2. The regulations adopted by the Board must not require the immunization of students who are enrolled in a university, state college or community college within the Nevada System of Higher Education but who do not regularly attend classes on a campus of the System, including, without limitation, students who are enrolled in distance education. The Board shall work in consultation with the Chancellor of the System to determine which students do not regularly attend classes on a campus of the System.

3. A student is exempt from the requirement of immunization against meningococcal disease as required by the regulations of the Board if the student submits:

(a) A statement from a licensed physician that the student has a medical condition that does not permit him to be immunized against the disease; or

(b) A statement that the religious beliefs of the student do not permit him to be immunized.

4. If applicable, the university, state college or community college within the Nevada System of Higher Education shall include the proof of immunization or other statement in the record of the student.

**Sec. 2.** 1. On or before December 1, 2007, the State Board of Health shall adopt regulations required by section 1 of this act. The regulations must apply to students who initially enroll in a university, state college or community college within the Nevada System of Higher Education on and after July 1, 2008.

2. The State Board of Health and the Board of Regents of the University of Nevada shall ensure that the students enrolled in the Nevada System of Higher Education and their parents are adequately informed of the regulations adopted by the State Board of Health pursuant to section of this act.

**Sec. 3.** This act becomes effective on July 1, 2007.

**Proposed Language to be added to NAC 441A.**

**NAC 441A.755 University students: Proof of immunity to certain communicable diseases required; exceptions; exclusion from university.** (NRS 441A.120)

1. Except as otherwise provided in subsection 9 or unless excused because of religious belief or medical condition, a person shall not attend a university until he submits to the university proof of immunity to tetanus, diphtheria, measles, mumps, rubella, *Neisseria meningitidis* and any other disease specified by the State Board of Health. The Division shall establish the immunization schedule required for admission of the student.

2. A student may enroll in the university conditionally if the student, or if the student is a minor, the parent or legal guardian of the student, submits a record of immunization stating that the student is in the process of obtaining the required immunizations, and that record shows that the student has made satisfactory progress toward obtaining those immunizations.

3. The university shall retain the proof of immunity on a computerized record or on a form provided by the Division.

4. The university shall not refuse to enroll a student because he has not been immunized if the student, or if the student is a minor, the parent or legal guardian of the student, has submitted to the university a written statement indicating that his religious belief prohibits immunizations. The university shall keep the statement on file.

5. If the medical condition of a student does not permit him to be immunized to the extent required, the student, or if the student is a minor, the parent or legal guardian of the student, must submit to the university a statement of that fact written by a licensed physician. The university shall keep the statement on file.

6. If additional requirements of immunity are imposed by law after a student has been enrolled in the university, the student, or if the student is a minor, the parent or legal guardian of the student, shall submit an additional proof of immunity to the university stating that the student has met the new requirements of immunity.

7. If the health authority determines that, at the university, there is a case having a communicable disease against which immunity is required for admission to the university, and a student who has not submitted proof of immunity to that disease is attending that university, the president of the university shall require that:

(a) The student be immunized; or

(b) The student be excluded from the university until allowed to return by the health authority.

8. A student shall not attend a university from which he is excluded until allowed to return by the health authority. The parent or legal guardian of a student, if the student is a minor, shall not allow the student to attend a university from which he is excluded until allowed to return by the health authority.

9. Any student who is enrolled in a program of distance education and who does not attend a class on campus is exempt from the requirements of this section.

10. As used in this section:

(a) "On-campus housing" means a dormitory or other student residence that is owned, operated by or located on the campus of a university.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

(c) "University" means any university within the Nevada System of Higher Education or any private postsecondary educational institution that provides on-campus housing.