

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

LCB File No. R099-07

August 29, 2007

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 392.435 and 439.200; §2, NRS 394.192 and 439.200; §§3-7, NRS 432A.230 and 439.200; §8, NRS 441A.120.

A REGULATION relating to communicable diseases; requiring pupils enrolled in public and private schools in this State to be immunized against Bordetella pertussis; requiring certain children enrolled in child care facilities in this State to be immunized against hepatitis A, hepatitis B, varicella and streptococcus pneumoniae; requiring persons who attend certain universities in this State to be immunized against Neisseria meningitidis; providing exceptions; and providing other matters properly relating thereto.

Section 1. NAC 392.105 is hereby amended to read as follows:

392.105 1. The State Board of Health hereby declares the diseases of ~~[mumps, hepatitis A, hepatitis B and varicella]~~ :

(a) Mumps;

(b) Hepatitis A;

(c) Hepatitis B;

(d) Varicella; and

(e) Bordetella pertussis if a child is 6 years of age or older,

↳ to be communicable diseases.

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State unless he has been immunized against the mumps.

3. Except as otherwise provided in subsection ~~[4.]~~ 5, unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State:

(a) After June 30, 2002, unless he has been immunized against hepatitis A and hepatitis B; and

(b) After June 30, 2003, unless he has been immunized against varicella.

4. *Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a public school in this State after June 30, 2008, unless the child has been immunized against Bordetella pertussis. To satisfy the requirements of this subsection, a child must receive at least one dose of a vaccine against Bordetella pertussis after he obtained 10 years of age.*

5. The provisions of:

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2002; and

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2003.

Sec. 2. NAC 394.190 is hereby amended to read as follows:

394.190 1. The State Board of Health hereby declares the diseases of ~~[mumps, hepatitis A, hepatitis B and varicella]~~ :

(a) *Mumps;*

(b) *Hepatitis A;*

(c) *Hepatitis B;*

(d) *Varicella; and*

(e) *Bordetella pertussis if a child is 6 years of age or older,*

↳ to be communicable diseases.

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a private school in this State unless he has been immunized against the mumps.

3. Except as otherwise provided in subsection ~~[4.]~~ 5, unless excused because of religious belief or medical condition, a child may not be enrolled in a private school in this State:

(a) After June 30, 2002, unless he has been immunized against hepatitis A and hepatitis B;
and

(b) After June 30, 2003, unless he has been immunized against varicella.

4. *Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a private school in this State after June 30, 2008, unless the child has been immunized against Bordetella pertussis. To satisfy the requirements of this subsection, a child must receive at least one dose of a vaccine against Bordetella pertussis after he obtained 10 years of age.*

5. The provisions of:

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a private school in this State before July 1, 2002; and

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a private school in this State before July 1, 2003.

Sec. 3. Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this regulation.

Sec. 4. 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.

Sec. 5. *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.

Sec. 6. *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.

Sec. 7. *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.

Sec. 8. NAC 441A.755 is hereby amended to read as follows:

441A.755 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.