

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

LCB FILE NO. R046-201

**The following document is the initial draft regulation proposed
by the agency submitted on 04/08/2020**

Proposed New Regulations

Public Schools

NRS 392.437 Immunization of pupils: Exemption if prohibited by religious belief.

A public school shall not refuse to enroll a child as a pupil because the child has not been immunized pursuant to NRS 392.435 if the parents or guardian of the child has submitted to the board of trustees of the school district or the governing body of a charter school in which the child has been accepted for enrollment a written statement indicating that their religious belief prohibits immunization of such child or ward.

Newly proposed regulations for Nevada Revised Statute 392.437:

- 1. As of July 1, 2021, the written statement indicating a child's religious belief prohibits immunization shall be submitted to the school district or governing body of a charter school on a form provided by the Division of Public and Behavioral Health.*
- 2. As of July 1, 2021, the written statement indicating a child's religious belief prohibits immunization shall be submitted to the school district or governing body of a charter school annually according to the annual enrollment schedule of each school district and charter school in which a child has been accepted for enrollment.*

NRS 392.439 Immunization of pupils: Exemption if prevented by medical condition.

If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 392.435 and a written statement of this fact is signed by a licensed physician and by the parents or guardian of the child, the board of trustees of the school district or governing body of the charter school in which the child has been accepted for enrollment shall exempt the child from all or part of the provisions of NRS 392.435, as the case may be, for enrollment purposes. (Added to NRS by 1971, 1040; A 1997, 1877)

Newly proposed regulations for Nevada Revised Statute 392.439:

- 1. As of July 1, 2021, the written statement indicating a child's medical condition prohibits immunization, as signed by a licensed physician and by the parents or guardian of the child, shall be submitted to the school district or governing body of a charter school on a form provided by the Division of Public and Behavioral Health.*
 - a. The local health officer may conduct an audit of medical exemptions filed in their jurisdiction if:*
 - i. The school's reported immunization rate falls below 95%;*
 - ii. The school fails to report immunization data annually as required by NRS 392.435 § 6; and/or*
 - iii. The school's medical exemption rate is higher than the state average of medical exemptions, as determined by the Division or federally available data from the National Immunization Survey conducted by the Centers for Disease Control and Prevention.*

- b. An audit of a school's medical exemptions for reasons not meeting the above criteria may be conducted, on case by case basis, if the local health officer determines it is necessary to protect public health.*

Private Schools

NRS 394.193 Immunization of pupils: Exemption if prohibited by religious belief.

A private school shall not refuse to enroll a child as a pupil because such child has not been immunized pursuant to NRS 394.192 if the parents or guardian of such child have submitted to the governing body a written statement indicating that their religious belief prohibits immunization of such child or ward. *(Added to NRS by 1971, 1041)*

Newly proposed regulations for Nevada Revised Statute 394.193:

- 1. As of July 1, 2021, the written statement indicating a child's religious belief prohibits immunization shall be submitted to the governing body on a form provided by the Division of Public and Behavioral Health.*
- 2. As of July 1, 2021, the written statement indicating a child's religious belief prohibits immunization shall be submitted to the governing body annually according to the annual enrollment schedule of the private school in which a child has been accepted for enrollment.*

NRS 394.194 Immunization of pupils: Exemption if prevented by medical condition.

If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 394.192, a written statement of this fact signed by a licensed physician and presented to the governing body by the parents or guardian of such child shall exempt such child from all or part of the provisions of NRS 394.192, as the case may be, for enrollment purposes. *(Added to NRS by 1971, 1041)*

Newly proposed regulations for Nevada Revised Statute 394.194:

- 1. As of July 1, 2021, the written statement indicating a child's medical condition prohibits immunization, as signed by a licensed physician and by the parents or guardian of the child, shall be submitted to the governing body on a form provided by the Division of Public and Behavioral Health.*
 - a. The local health officer may conduct an audit of medical exemptions filed in their jurisdiction if:*
 - i. The school's immunization rate for required vaccines falls below 95%; and/or*
 - ii. The school fails to report immunization data annually as required by NRS 394.192 § 5; and/or*
 - iii. The school's medical exemption rate is higher than the state average of medical exemptions, as determined by the Division or federally available data from the National Immunization Survey conducted by the Centers for Disease Control and Prevention.*

- b. An audit of a school's medical exemptions for reasons not meeting the above criteria may be conducted, on case by case basis, if the local health officer determines it is necessary to protect public health.*

Childcare Centers/Daycare

NRS 432A.240 Exemption from immunization when contrary to religious belief.

If the religious belief of a child's parents or guardian prohibits the immunization of the child as required by NRS 432A.230 or 432A.235, a written statement of this fact signed by the parents or guardian and presented to the operator of the facility exempts the child from the provisions of that section for purposes of admission.

Newly proposed regulations for Nevada Revised Statute 432A.240:

- 1. As of July 1, 2021, the written statement indicating the religious belief of a child's parents or guardian prohibits immunization shall be submitted to the operator of the childcare facility on a form provided by the Division of Public and Behavioral Health.*
- 2. As of July 1, 2021, the written statement indicating the religious belief of a child's parents or guardian prohibits immunization shall be submitted to the governing body according to the renewal schedule of the childcare facility, and at least annually if applicable.*

NRS 432A.250 Exemption from immunization because of medical condition.

If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 432A.230 or 432A.235, a written statement of this fact signed by a licensed physician and presented to the operator of the facility by the parents or guardian of such child exempts such child from all or part of the provisions of NRS 432A.230 or 432A.235, as the case may be, for purposes of admission.

Newly proposed regulations for Nevada Revised Statute 432A.250:

- 1. As of July 1, 2021, the written statement indicating a child's medical condition prohibits immunization to the extent required by NRS 432A.230 or 432A.235, as signed by a licensed physician and by the parents or guardian of the child, shall be submitted to the operator of the childcare facility on a form provided by the Division of Public and Behavioral Health.*
 - a. The local health officer may conduct an audit of medical exemptions filed in their jurisdiction if:*
 - i. The facility's immunization rate for required vaccines falls below 95%;*

- ii. *The facility fails to report immunization data annually as required by NRS 432A.230 § 5; and/or*
 - iii. *The facility's medical exemption rate is higher than the state average of medical exemptions, as determined by the Division or federally available data from the National Immunization Survey conducted by the Centers for Disease Control and Prevention.*
- b. *An audit of a facility's medical exemptions for reasons not meeting the above criteria may be conducted, on case by case basis, if the local health officer determines it is necessary to protect public health.*

Proposed Regulatory Amendments regarding immunization to meningitis

Public Schools

NAC 392.105 Mumps, hepatitis A, hepatitis B, varicella, Bordetella pertussis and *Neisseria meningitidis*. (NRS 392.435, 439.200)

1. The State Board of Health hereby declares the diseases of:
 - (a) Mumps;
 - (b) Hepatitis A;
 - (c) Hepatitis B;
 - (d) Varicella;
 - (e) Bordetella pertussis if a child is 6 years of age or older; and
 - (f) *Neisseria meningitidis*,☒ 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 the child has been immunized against the mumps.
3. Except as otherwise provided in subsection 6, 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 the child has been immunized against hepatitis A and hepatitis B; and
 - (b) After June 30, 2003, unless the child 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 or she obtained 10 years of age.
5. Except as otherwise provided in subsection 6, 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, 2017, unless the child has been immunized against *Neisseria meningitidis* after he or she obtained 10 years of age.

6. *Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 12 in a public school in this State after June 30, 2022, unless the child has received at least one booster dose of a vaccine protecting against *Neisseria meningitidis* after 16 years of age.*

6.7. 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.

(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.

(c) Subsection 5 do not apply to a child who is enrolled in a public school in this State before July 1, 2009.

(Added to NAC by Bd. of Health, eff. 6-30-88; A by R075-01, 10-23-2001; R099-07, 10-31-2007; R052-16, 11-2-2016)

Private Schools

NAC 394.250 Mumps, hepatitis A, hepatitis B, varicella, *Bordetella pertussis* and *Neisseria meningitidis*. (NRS 394.192, 439.200)

1. The State Board of Health hereby declares the diseases of:

(a) Mumps;

(b) Hepatitis A;

(c) Hepatitis B;

(d) Varicella;

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

(f) *Neisseria meningitidis*,

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 the child has been immunized against the mumps.

3. Except as otherwise provided in subsection 6, 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 the child has been immunized against hepatitis A and hepatitis B; and

(b) After June 30, 2003, unless the child 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 or she obtained 10 years of age.

5. Except as otherwise provided in subsection 6, 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, 2017, unless the child has been immunized against *Neisseria meningitidis* after he or she obtained 10 years of age.

6. *Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 12 in a private school in this State after June 30, 2022, unless the child has received at least one booster dose of a vaccine protecting against Neisseria meningitidis after 16 years of age.*

6.7. 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.

(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.

(c) Subsection 5 do not apply to a child who is enrolled in a private school in this State before July 1, 2009.

(Added to NAC by Bd. of Health, eff. 6-30-88; A by R075-01, 10-23-2001; R099-07, 10-31-2007; R052-16, 11-2-2016) — (Substituted in revision for NAC 394.190)

Universities

NAC 441A.755 University students: Proof of immunity to certain communicable diseases required; exceptions; exclusion from university. (NRS 439.200, 441A.120)

1. Except as otherwise provided in subsection 10 or unless excused because of religious belief or medical condition, a person shall not attend a university until he or she submits to the university proof of immunity to tetanus, diphtheria, measles, mumps, rubella 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. Except as otherwise provided in subsection 10 or unless excused because of religious belief or medical condition, a person who:

(a) Is less than 23 years of age; and

(b) Is enrolled as a freshman;

shall not attend a university until he or she submits to the university proof of immunity to *Neisseria meningitidis*. The Division shall establish the immunization schedule required for admission of the student.

3. 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.

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

5. The university shall not refuse to enroll a student because he or she 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 or her religious belief prohibits immunizations. The university shall keep the statement on file.

A. As of July 1, 2021, the written statement indicating the religious belief of a student prohibits immunization, or if the student is a minor, the parent or legal guardian of the student, shall be submitted to the university on a form provided by the Division of Public and Behavioral Health.

B. As of July 1, 2021, the written statement indicating the religious belief of a student prohibits immunization, or if the student is a minor, the parent or legal guardian of the student, shall be submitted to the university according to the annual registration schedule of the university, for the duration of the student's enrollment.

6. If the medical condition of a student does not permit him or her 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.

A. As of July 1, 2021, the written statement indicating a student's medical condition does not permit him or her to be immunized to the extent required, as signed by a licensed physician and by the student, or if the student is a minor, by the parent or legal guardian of the student, shall be submitted to the university on a form provided by the Division of Public and Behavioral Health.