

By: Senator(s) Nunnelee, Albritton, Butler, Chaney, Clarke, Dearing, Fillingane, Gollott, Gordon, Harden, Jackson (11th), Jackson (32nd), Jordan, King, Lee (35th), Mettetal, Posey, Simmons, Thomas, Walley, White

To: Public Health and Welfare

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2859

1 AN ACT TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO  
2 DIRECT THE STATE BOARD OF HEALTH TO INCLUDE IMMUNIZATIONS AGAINST  
3 INVASIVE PNEUMOCOCCAL DISEASE AS A REQUIRED VACCINATION FOR  
4 CHILDREN ATTENDING A LICENSED CHILD CARE FACILITY; AND FOR RELATED  
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 43-20-8, Mississippi Code of 1972, is  
8 amended as follows:

9 43-20-8. (1) The licensing agency shall have powers and  
10 duties as set forth below, in addition to other duties prescribed  
11 under this chapter:

12 (a) Promulgate rules and regulations concerning the  
13 licensing and regulation of child care facilities as defined in  
14 Section 43-20-5;

15 (b) Have the authority to issue, deny, suspend, revoke,  
16 restrict or otherwise take disciplinary action against licensees  
17 as provided for in this chapter;

18 (c) Set and collect fees and penalties as provided for  
19 in this chapter; and

20 (d) Have such other powers as may be required to carry  
21 out the provisions of this chapter.

22 (2) Child care facilities shall assure that parents have  
23 welcome access to the child care facility at all times and shall  
24 comply with the provisions of Senate Bill No. 2419, 2006 Regular  
25 Session.

26 (3) Each child care facility shall develop and maintain a  
27 current list of contact persons for each child provided care by  
28 that facility. An agreement may be made between the child care

29 facility and the child's parent, guardian or contact person at the  
30 time of registration to inform the parent, guardian or contact  
31 person if the child does not arrive at the facility within a  
32 reasonable time.

33 (4) Child care facilities shall require that, for any  
34 current or prospective caregiver, all criminal records, background  
35 and sex offender registry checks and current child abuse registry  
36 checks are obtained. In order to determine the applicant's  
37 suitability for employment, the applicant shall be fingerprinted.  
38 If no disqualifying record is identified at the state level, the  
39 fingerprints shall be forwarded by the Department of Public Safety  
40 to the FBI for a national criminal history record check.

41 (5) The licensing agency shall require to be performed a  
42 criminal records background check and a child abuse registry check  
43 for all operators of a child care facility and any person living  
44 in a residence used for child care. The Department of Human  
45 Services shall have the authority to disclose to the State  
46 Department of Health any potential applicant whose name is listed  
47 on the Child Abuse Central Registry or has a pending  
48 administrative review. That information shall remain confidential  
49 by all parties. In order to determine the applicant's suitability  
50 for employment, the applicant shall be fingerprinted. If no  
51 disqualifying record is identified at the state level, the  
52 fingerprints shall be forwarded by the Department of Public Safety  
53 to the FBI for a national criminal history record check.

54 (6) The licensing agency shall have the authority to exclude  
55 a particular crime or crimes or a substantiated finding of child  
56 abuse and/or neglect as disqualifying individuals or entities for  
57 prospective or current employment or licensure.

58 (7) The licensing agency and its agents, officers,  
59 employees, attorneys and representatives shall not be held civilly  
60 liable for any findings, recommendations or actions taken under  
61 this section.

62           (8) All fees incurred in compliance with this section shall  
63 be borne by the child care facility. The licensing agency is  
64 authorized to charge a fee that includes the amount required by  
65 the Federal Bureau of Investigation for the national criminal  
66 history record check in compliance with the Child Protection Act  
67 of 1993, as amended, and any necessary costs incurred by the  
68 licensing agency for the handling and administration of the  
69 criminal history background checks.

70           (9) The State Board of Health shall develop regulations to  
71 ensure that all children enrolled or enrolling in a state licensed  
72 child care center receive age-appropriate immunization against  
73 invasive pneumococcal disease as recommended by the Advisory  
74 Committee on immunization practices of the Centers for Disease  
75 Control and Prevention. The State Board of Health shall include,  
76 within its regulations, protocols for children under the age of  
77 twenty-four (24) months to catch up on missed doses.

78           **SECTION 2.** This act shall take effect and be in force from  
79 and after July 1, 2007.