

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.