To: Public Health and Welfare

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2007

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

SENATE BILL NO. 2859
(As Sent to Governor)

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

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

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

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

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

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

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

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

(2) Child care facilities shall assure that parents have welcome access to the child care facility at all times and shall comply with the provisions of Chapter 520, Laws of 2006.

(3) Each child care facility shall develop and maintain a current list of contact persons for each child provided care by that facility. An agreement may be made between the child care facility and the child's parent, guardian or contact person at the
time of registration to inform the parent, guardian or contact
person if the child does not arrive at the facility within a
reasonable time.

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

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

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

(7) The licensing agency and its agents, officers,
employees, attorneys and representatives shall not be held civilly
liable for any findings, recommendations or actions taken under
this section.
(8) All fees incurred in compliance with this section shall be borne by the child care facility. The licensing agency is authorized to charge a fee that includes the amount required by the Federal Bureau of Investigation for the national criminal history record check in compliance with the Child Protection Act of 1993, as amended, and any necessary costs incurred by the licensing agency for the handling and administration of the criminal history background checks.

(9) From and after January 1, 2008, the State Board of Health shall develop regulations to ensure that all children enrolled or enrolling in a state licensed child care center receive age-appropriate immunization against invasive pneumococcal disease as recommended by the Advisory Committee on immunization practices of the Centers for Disease Control and Prevention. The State Board of Health shall include, within its regulations, protocols for children under the age of twenty-four (24) months to catch up on missed doses. If the State Board of Health has adopted regulations before January 1, 2008, that would otherwise meet the requirements of this subsection, then this subsection shall stand repealed on January 1, 2008.

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