

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2859**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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 Chapter 520, Laws of 2006.

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

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

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

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

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

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

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.