

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

SENATE BILL NO. 2859
(As Sent to Governor)

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 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.