

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 447**

Introduced by Cavanaugh, M., 6.

Read first time January 15, 2021

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend
- 2 section 71-1913.01, Reissue Revised Statutes of Nebraska; to remove
- 3 an immunization exception; to change reporting requirements as
- 4 prescribed; to provide a duty to the Department of Health and Human
- 5 Services; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1913.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 71-1913.01 (1) Each program shall require the parent or guardian of  
4 each child enrolled in such program to present within thirty days after  
5 enrollment and periodically thereafter (a) proof that the child is  
6 protected by age-appropriate immunization against measles, mumps,  
7 rubella, poliomyelitis, diphtheria, pertussis, tetanus, haemophilus  
8 influenzae type B, and invasive pneumococcal disease and such other  
9 diseases as the department may from time to time specify based on then  
10 current medical and scientific knowledge, ~~or~~ (b) certification by a  
11 physician, an advanced practice registered nurse practicing under and in  
12 accordance with his or her respective certification act, or a physician  
13 assistant that immunization is not appropriate for a stated medical  
14 reason, ~~or (c) a written statement that the parent or guardian does not~~  
15 ~~wish to have such child so immunized and the reasons therefor.~~ The  
16 program shall exclude a child from attendance until such proof or ~~,~~  
17 ~~certification, or written statement~~ is provided. At the time the parent  
18 or guardian is notified that such information is required, he or she  
19 shall be notified in writing of his or her right to submit a  
20 certification ~~or written statement~~ pursuant to subdivision (b) ~~or (c)~~ of  
21 this subsection.

22 (2) Each program shall keep on file the written record of  
23 immunization or ~~,~~ the certification, ~~or the written statement of the~~  
24 ~~parent or guardian.~~ Such record, or certification, ~~or statement~~ shall be  
25 kept by the program as part of the child's file, shall be available  
26 onsite to the department, and shall be filed with the department for  
27 review and inspection. Each program shall report electronically to the  
28 department by November 1 of each year the status of immunization for  
29 children enrolled as of September 30 of that year, and children who have  
30 reached kindergarten age and who are enrolled in public or private school  
31 need not be included in the report.

1           (3) The department shall maintain a data base for the submission of  
2 the report required for each program under subsection (2) of this  
3 section. Any identification of individual children in such reports shall  
4 not be public information.

5           Sec. 2. Original section 71-1913.01, Reissue Revised Statutes of  
6 Nebraska, is repealed.