

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R052-16

May 4, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 392.435 and 439.200; §2, NRS 394.192 and 439.200; §3, NRS 441A.120.

A REGULATION relating to communicable diseases; prohibiting a child from being enrolled in grade 7 in a public or private school unless the child has been immunized against *Neisseria meningitidis* after he or she obtained 10 years of age; prohibiting certain persons from attending a university until the person submits to the university proof of immunity to *Neisseria meningitidis*; providing exceptions to such prohibitions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Health to adopt regulations to define and control dangerous communicable diseases. (NRS 439.200)

Existing law generally requires that a child be immunized against certain diseases, including, without limitation, such diseases as the Board or the local board of health may determine, before enrollment in a public or private school. (NRS 392.435, 394.192)

Existing regulations categorize certain diseases as communicable diseases and set forth requirements concerning a child's immunization against such diseases for the purpose of enrollment in a public or private school. (NAC 392.105, 394.250) **Sections 1 and 2** of this regulation categorize *Neisseria meningitidis* as a communicable disease and provide that a child may not be enrolled in grade 7 in a public or private school, respectively, after June 30, 2017, unless the child has been immunized against *Neisseria meningitidis* after he or she obtained 10 years of age. **Sections 1 and 2** further provide that such a requirement does not apply to a child who is excused because of religious belief or medical condition or who is enrolled in a public or private school, respectively, before July 1, 2009.

Existing law requires the Board to adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. (NRS 441A.120)

Existing regulations prohibit, with certain exceptions, a person who is less than 23 years of age and is enrolled as a freshman at a university from residing in on-campus housing after

September 1, 2008, until he or she submits to the university proof of immunity to *Neisseria meningitidis*. (NAC 441A.755) **Section 3** of this regulation instead prohibits such a person from attending a university until he or she submits proof to the university of such immunity. **Section 3** also requires the Division of Public and Behavioral Health of the Department of Health and Human Services to establish the immunization schedule required for admission of such a person.

Section 1. NAC 392.105 is hereby amended to read as follows:

392.105 1. The State Board of Health hereby declares the diseases of:

- (a) Mumps;
- (b) Hepatitis A;
- (c) Hepatitis B;
- (d) Varicella; ~~and~~
- (e) Bordetella pertussis if a child is 6 years of age or older ~~†~~; *and*
- (f) *Neisseria meningitidis*,

↳ to be communicable diseases.

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State unless the child has been immunized against the mumps.

3. Except as otherwise provided in subsection ~~5~~ **6**, unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State:

(a) After June 30, 2002, unless the child has been immunized against hepatitis A and hepatitis B; and

(b) After June 30, 2003, unless the child has been immunized against varicella.

4. Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a public school in this State after June 30, 2008, unless the child has been immunized against Bordetella pertussis. To satisfy the requirements of this subsection, a child

must receive at least one dose of a vaccine against Bordetella pertussis after he or she obtained 10 years of age.

5. *Except as otherwise provided in subsection 6, unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a public school in this State after June 30, 2017, unless the child has been immunized against Neisseria meningitidis after he or she obtained 10 years of age.*

6. The provisions of:

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2002. ~~}; and{~~

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2003.

(c) Subsection 5 do not apply to a child who is enrolled in a public school in this State before July 1, 2009.

Sec. 2. NAC 394.250 is hereby amended to read as follows:

394.250 1. The State Board of Health hereby declares the diseases of:

(a) Mumps;

(b) Hepatitis A;

(c) Hepatitis B;

(d) Varicella; ~~and{~~

(e) Bordetella pertussis if a child is 6 years of age or older ~~}; and~~

(f) Neisseria meningitidis.

↳ to be communicable diseases.

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a private school in this State unless the child has been immunized against the mumps.

3. Except as otherwise provided in subsection ~~5~~ 6, unless excused because of religious belief or medical condition, a child may not be enrolled in a private school in this State:

(a) After June 30, 2002, unless the child has been immunized against hepatitis A and hepatitis B; and

(b) After June 30, 2003, unless the child has been immunized against varicella.

4. Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a private school in this State after June 30, 2008, unless the child has been immunized against Bordetella pertussis. To satisfy the requirements of this subsection, a child must receive at least one dose of a vaccine against Bordetella pertussis after he or she obtained 10 years of age.

5. *Except as otherwise provided in subsection 6, unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a private school in this State after June 30, 2017, unless the child has been immunized against Neisseria meningitidis after he or she obtained 10 years of age.*

6. The provisions of:

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a private school in this State before July 1, 2002. ~~}; and{~~

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a private school in this State before July 1, 2003.

(c) Subsection 5 do not apply to a child who is enrolled in a private school in this State before July 1, 2009.

Sec. 3. NAC 441A.755 is hereby amended to read as follows:

441A.755 1. Except as otherwise provided in subsection 10 or unless excused because of religious belief or medical condition, a person shall not attend a university until he or she submits to the university proof of immunity to tetanus, diphtheria, measles, mumps, rubella and any other disease specified by the State Board of Health. The Division shall establish the immunization schedule required for admission of the student.

2. Except as otherwise provided in subsection 10 or unless excused because of religious belief or medical condition, a person who:

(a) Is less than 23 years of age; and

(b) Is enrolled as a freshman;

↪ shall not ~~reside in on-campus housing after September 1, 2008,]~~ *attend a university* until he or she submits to the university proof of immunity to *Neisseria meningitidis*. *The Division shall establish the immunization schedule required for admission of the student.*

3. A student may enroll in the university conditionally if the student, or if the student is a minor, the parent or legal guardian of the student, submits a record of immunization stating that the student is in the process of obtaining the required immunizations, and that record shows that the student has made satisfactory progress toward obtaining those immunizations.

4. The university shall retain the proof of immunity on a computerized record or on a form provided by the Division.

5. The university shall not refuse to enroll a student because he or she has not been immunized if the student, or if the student is a minor, the parent or legal guardian of the student, has submitted to the university a written statement indicating that his or her religious belief prohibits immunizations. The university shall keep the statement on file.

6. If the medical condition of a student does not permit him or her to be immunized to the extent required, the student, or if the student is a minor, the parent or legal guardian of the student, must submit to the university a statement of that fact written by a licensed physician. The university shall keep the statement on file.

7. If additional requirements of immunity are imposed by law after a student has been enrolled in the university, the student, or if the student is a minor, the parent or legal guardian of the student, shall submit an additional proof of immunity to the university stating that the student has met the new requirements of immunity.

8. If the health authority determines that, at the university, there is a case having a communicable disease against which immunity is required for admission to the university, and a student who has not submitted proof of immunity to that disease is attending that university, the president of the university shall require that:

- (a) The student be immunized; or
- (b) The student be excluded from the university until allowed to return by the health authority.

9. A student shall not attend a university from which he or she is excluded until allowed to return by the health authority. The parent or legal guardian of a student, if the student is a minor, shall not allow the student to attend a university from which he or she is excluded until allowed to return by the health authority.

10. Any student who is enrolled in a program of distance education and who does not attend a class on campus is exempt from the requirements of this section.

11. As used in this section:

- (a) “On-campus housing” means a dormitory or other student residence that is owned, operated by or located on the campus of a university.
- (b) “Postsecondary educational institution” has the meaning ascribed to it in NRS 394.099.
- (c) “University” means any university within the Nevada System of Higher Education or any private postsecondary educational institution that provides on-campus housing.