Ohio Legislative Service Commission

Bill Analysis

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S.B. 381

130th General Assembly
(As Introduced)

Sens. Jones, Lehner, Hite, Seitz, Turner

BILL SUMMARY

- Requires that the caretaker parent of a child enrolled in a licensed child care facility present written evidence to the facility that the child has been immunized against specified diseases.
- Provides for certain exceptions to the mandatory immunizations, including that an immunization is medically contraindicated or inappropriate for the child's age or that the child's parent or guardian objects based on reasons of conscience or religious convictions.

CONTENT AND OPERATION

Licensed child care facilities and immunizations

Written evidence of immunizations

The bill requires that, not later than 30 days after enrollment in a licensed child care facility and every 13 months thereafter while enrolled, each child's caretaker parent present written evidence to the facility that the child has been immunized against or is in the process of being immunized against certain diseases (see "**Definitions**" and "**Diseases**," below). The licensed facilities included in the bill are child day-care centers, type A family day-care homes, and licensed type B family day-care homes.[1]

Current law requires that the Ohio Department of Job and Family Services (ODJFS) adopt rules regarding procedures for screening children, including procedures that may include necessary immunizations; it does not expressly require

[1] R.C. 5104.014(B).

immunizations. Similarly, while ODJFS rules require that a licensed child care facility have a completed medical statement on file that includes a record of immunizations and statement of any immunization exemptions, the rules do not expressly mandate immunizations.[2] Under the bill, these screening procedures must include the required immunizations.[3]

Exceptions to immunizations

Under the bill, a child enrolled in a licensed child care facility is not required to be immunized against a specified disease if the child's physician, advanced practice registered nurse, or physician assistant certifies in writing any of the following:

(1) That the immunization is medically contraindicated for the child;

(2) That the parent or guardian has declined to have the child immunized for reasons of conscience, including religious convictions. The bill does not define "reasons of conscience."

(3) That immunization against the disease is not medically appropriate for the child's age.

Influenza

In the case of influenza, a child is not required to be immunized against the disease if the child's physician, advanced practice registered nurse, or physician assistant certifies in writing that the seasonal vaccine is not available.[4]

Diseases

The following table lists the diseases for which immunization is required under the bill. The table also lists the diseases for which a school-age child must be immunized against under current Ohio law.[5]

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[2] Ohio Administrative Code (O.A.C.) 5101: 2-12-37, 5101:2-13-37, and 5101:2-14-15.

[3] R.C. 5104.015(J), 5104.017(J), and 5104.018(J).

[4] R.C. 5104.014(C).

[5] R.C. 5104.014(B) and R.C. 3313.671, not in the bill.

Disease	Child enrolled in licensed child care facility	School-age child
Chicken pox	Yes	Yes
Diphtheria	Yes	Yes
Haemophilus influenzae type b (Hib)	Yes	No
Hepatitis A	Yes	No
Hepatitis B	Yes	No
Influenza	Yes	No
Measles	Yes	Yes
Mumps	Yes	Yes
Pertussis	Yes	Yes
Pneumococcal disease	Yes	No
Poliomyelitis	Yes	Yes
Rotavirus	Yes	No
Rubella	Yes	Yes
Tetanus	Yes	Yes

Definitions

In the process of being immunized

Under the bill, "in the process of being immunized" means having received at least the first dose of an immunization sequence and complying with the immunization intervals or catch-up schedule prescribed by the Director of the Ohio Department of Health.[6]

Child

For the purposes of the bill, a child includes both of the following:

(1) An infant, toddler, or preschool age child;

(2) A school-age child who is enrolled in a child day-care center, type A home, or licensed type B home but is not enrolled in a public or nonpublic school.[7]

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[6] R.C. 5104.014(A)(2).

[7] R.C. 5104.014(A)(1).

Current law defines an infant as a child who is less than 18 months of age and a toddler as a child who is at least 18 months of age but less than 3 years of age. In addition, a preschool age child is a child who is 3 years of age or older but is not a school age child. A school-age child is a child who is enrolled in or eligible to be enrolled in a grade of kindergarten or above but is less than 15 years of age.[8]

Caretaker parent

Under current law not modified by the bill, a caretaker parent means any of the following persons whose presence in the home is needed as the caretaker of the child:

(1) The father or mother of the child;

(2) A person who has legal custody of the child;

(3) A guardian of the child;

(4) Any other person who stands in loco parentis with respect to the child.[9]

Child care facilities background

Ohio law provides for the licensure and regulation of child care facilities, including day-care centers that accommodate larger numbers of children and smaller, home-based settings.[10] The distinctions among the types of facilities are described in the table below.

Child Care Providers		
Type	**Description/Number of children served**	**Regulatory system**
Child day-care center	Any place in which child care is provided as follows: --For 13 or more children at one time; or --For 7-12 children at one time if the place is not the permanent residence of the licensee or administrator (which is, instead, a type A home).	A child day-care center must be licensed by the Department, regardless of whether it provides publicly funded child care.

[8] R.C. 5104.01.

[9] R.C. 5104.01(E).

[10] R.C. 5104.01(K), 5104.01(TT), and 5104.01(UU).

Child Care Providers		
Type	**Description/Number of children served**	**Regulatory system**
Family day-care home	**Type A home** – a permanent residence of an administrator in which child care is provided as follows: --For 7-12 children at one time; or --For 4-12 children at one time if 4 or more are under age 2. **Type B home** – a permanent residence of the provider in which child care is provided as follows: --For 1-6 children at one time; and --No more than 3 children at one time under age 2.	A type A home must be licensed by the Department, regardless of whether it provides publicly funded child care. To be eligible to provide publicly funded child care, a type B home must be licensed by the Department.

HISTORY

ACTION	DATE
Introduced	10-29-14

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