

CHAPTER 429—H.F.No. 320

An act relating to public rest rooms; eliminating provisions regulating public rest rooms maintained by statutory cities and cities of the fourth class; repealing Minnesota Statutes 1986, sections 459.15 to 459.18.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **REPEALER.**

Minnesota Statutes 1986, sections 459.15, 459.16, 459.17, and 459.18 are repealed.

Approved March 30, 1988

CHAPTER 430—H.F.No. 2083

An act relating to health; making technical modifications of the immunization law; amending Minnesota Statutes 1986, section 123.70, subdivisions 1, 2, 3, 4, 5, 7, 8, and 9.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 123.70, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivisions 3 and 4, no ~~child shall~~ person over two months old may be allowed to enroll or remain enrolled in any elementary or secondary school or day care facility ~~school~~ in this state until the child person has submitted to the principal administrator or other person having general control and supervision of the school or day care facility, one of the following statements:

(1) a statement from a physician or a public clinic which provides immunizations stating that the child person has received immunization against red measles after having attained the age of ~~11 months; 15 days~~ 12 months, ~~German measles or~~ rubella, diphtheria, tetanus, pertussis, polio and mumps and which indicates the month, day, and year of each immunization received; or;

(2) a statement from a physician or a public clinic which provides immunizations stating that the child person has received immunizations against red measles after having attained the age of ~~11 months; 15 days~~ 12 months, ~~German measles or~~ rubella, mumps and that the child person has commenced a schedule of immunizations for diphtheria, tetanus, pertussis and polio and which indicates the month, day, and year of each immunization received.

Sec. 2. Minnesota Statutes 1986, section 123.70, subdivision 2, is amended to read:

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Subd. 2. No ~~child~~ person who has commenced a treatment schedule of immunization pursuant to subdivision 1, clause (2), may remain enrolled in any day care facility, elementary, or secondary school in this state after 18 months of enrollment unless there is submitted to the principal administrator, or other person having general control and supervision of the school or day care facility, a statement from a physician or a public clinic which provides immunizations that the ~~child~~ person has completed the primary schedule of immunizations for diphtheria, tetanus, pertussis, and polio ~~or has commenced a schedule of the immunizations, in which case the dates of the immunizations shall be stated and~~ in which the month, day, and year of each additional immunization received is included. For a child less than seven years of age, a primary schedule of immunizations shall consist of four doses of vaccine for diphtheria, tetanus, and pertussis and three doses of vaccine for poliomyelitis. For a child seven years of age or older, a primary schedule of immunizations shall consist of three doses of vaccine for diphtheria, tetanus, pertussis, and polio.

Sec. 3. Minnesota Statutes 1986, section 123.70, subdivision 3, is amended to read:

Subd. 3. (a) If a ~~child~~ person is at least seven years old and has not been immunized against pertussis ~~or mumps~~, the ~~child~~ person must not be required to be immunized against pertussis ~~or mumps~~.

(b) ~~If a child is female and is at least 12 years old and has not been immunized against rubella, the child shall not be required to be immunized against rubella. If a person is at least eighteen years old and has not completed a series of immunizations against poliomyelitis, the person must not be required to be immunized against poliomyelitis.~~

(c) If a statement, signed by a physician, is submitted to the principal administrator or other person having general control and supervision of the school or day care facility stating that an immunization is contraindicated for medical reasons or that laboratory confirmation of the presence of adequate immunity exists, the immunization specified in the statement ~~shall~~ need not be required.

(d) If a notarized statement signed by the minor child's parent or guardian or by the emancipated person is submitted to the principal administrator or other person having general control and supervision of the school or day care facility stating that the ~~child~~ person has not been immunized as prescribed in subdivision 1 because of the conscientiously held beliefs of the parent or guardian of the minor child or of the emancipated person, the immunizations specified in the statement shall not be required. This statement ~~shall~~ must also be forwarded to the commissioner of the department of health.

(e) If the ~~child~~ person is under 15 months, the ~~child~~ person is not required to be immunized against red measles, ~~German measles~~, rubella, or mumps.

Sec. 4. Minnesota Statutes 1986, section 123.70, subdivision 4, is amended to read:

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Subd. 4. A child person who is enrolling or enrolled in a ~~public, private or parochial~~ an elementary or secondary school or day care facility ~~school~~ may substitute a statement from the emancipated person or a parent or guardian if the person is a minor child in lieu of the statement from a physician or public clinic which provides immunizations. If the statement is from a parent or guardian or emancipated person, the statement shall indicate the month, day, and year of each immunization given. In order for the statement to be acceptable for a person who is six years of age or younger, enrolling in an elementary school or day care facility, it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, and no less than ~~three~~ four doses of vaccine for poliomyelitis, unless the third dose was given after the fourth birthday, then three doses are minimum, and no less than ~~four~~ five doses of vaccine for diphtheria, tetanus, and pertussis, unless the fourth dose was given after the fourth birthday, then four are minimum. In order for the statement to be acceptable for a person who is seven years of age or older, enrolling in an elementary or secondary school, the statement must indicate no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, and no less than three doses of vaccine for poliomyelitis, diphtheria, and tetanus. The commissioner of health, on finding that any of the above requirements are not necessary to protect the public's health, may suspend for one year that requirement.

Sec. 5. Minnesota Statutes 1986, section 123.70, subdivision 5, is amended to read:

Subd. 5. If a child person transfers from one elementary or secondary school to another, the child person shall be allowed 30 days to submit one or more of the statements as specified in subdivision 1 or 3, during which time the child person may enroll in and attend the school.

Sec. 6. Minnesota Statutes 1986, section 123.70, subdivision 7, is amended to read:

Subd. 7. Each school or day care facility shall maintain on file immunization records for all children persons in attendance which contains the information required by subdivisions 1, 2 and 3. The department of health and the local board of health in whose jurisdiction the district school or day care facility is located shall have access to the files maintained pursuant to this subdivision. When a child person transfers to another elementary or secondary school or day care facility, the school official administrator or other person having general control and supervision of the school or day care facility shall assist the child's person's parent or guardian in the transfer of the immunization file to the child's person's new school or day care facility within 30 days of the transfer.

Sec. 7. Minnesota Statutes 1986, section 123.70, subdivision 8, is amended to read:

Subd. 8. The principal administrator or other person having general control and supervision of a the elementary or secondary school shall file a report with the commissioner of education on all children enrolled in ~~kindergarten~~

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through 12th grade the school. The school report shall be prepared on forms developed jointly by the commissioner of health and the commissioner of education and be distributed to the local school districts by the commissioner of health and shall state the number of children attending the school, the number of children who have not been immunized according to subdivision 1 or 2, and the number of children who received an exemption under subdivision 3, clause (c) or (d). The school report shall be filed with the commissioner of education within 60 days of the commencement of each new school term. The commissioner of education shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to local boards of health. The administrator or other person having general control and supervision of the day care facility shall file a report with the commissioner of human services on all children enrolled in the day care facility. The day care facility report must be prepared on forms developed jointly by the commissioner of health and the commissioner of human services and be distributed to day care facilities by the commissioner of health and must state the number of children enrolled in the facility, the number of children with no immunizations, the number of children who received an exemption under subdivision 3, clause (c) or (d), and the number of children with partial or full immunization histories. The day care facility report shall be filed with the commissioner of human services by November 1 of each year. The commissioner of human services shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to local boards of health. The report required by this subdivision shall is not be required of any a family day care or group family day care facility.

Sec. 8. Minnesota Statutes 1986, section 123.70, subdivision 9, is amended to read:

Subd. 9. As used in this section the following terms have the meanings given them.

(a) "any Elementary or secondary school" ~~means any includes~~ public, private, or parochial ~~elementary or secondary school or day care facility schools.~~

(b) "Family day care" means day care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(c) "Group family day care" means day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Sec. 9. EFFECTIVE DATE.

Sections 1 to 8 are effective January 1, 1989.

Approved March 30, 1988

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