

**214.034 Immunization of children -- Testing and treatment of children for tuberculosis -- Requirement for reception and retention of current immunization certificate by schools and child-care facilities.**

Except as otherwise provided in KRS 214.036:

- (1) All parents, guardians, and other persons having care, custody, or control of any child shall have the child immunized against diphtheria, tetanus, poliomyelitis, pertussis, measles, rubella, mumps, hepatitis B, and haemophilis influenzae disease in accordance with testing and immunization schedules established by regulations of the Cabinet for Health and Family Services. Additional immunizations may be required by the Cabinet for Health and Family Services through the promulgation of an administrative regulation pursuant to KRS Chapter 13A if recommended by the United States Public Health Service or the American Academy of Pediatrics. All parents, guardians, and other persons having care, custody, or control of any child shall also have any child found to be infected with tuberculosis examined and treated according to administrative regulations of the Cabinet for Health and Family Services promulgated under KRS Chapter 13A. The persons shall also have booster immunizations administered to the child in accordance with the regulations of the Cabinet for Health and Family Services.
- (2) A local health department may, with the approval of the Department of Public Health, require all first-time enrollees in a public or private school within the health department's jurisdiction to be tested for tuberculosis prior to entering school. Following the first year of school, upon an epidemiological determination made by the state or local health officer in accordance with administrative regulations promulgated by the Cabinet for Health and Family Services, all parents, guardians, and other persons having care, custody, or control of any child shall have the child tested for tuberculosis, and shall have any child found to be infected with tuberculosis examined and treated according to administrative regulations of the Cabinet for Health and Family Services. Nothing in this section shall be construed to require the testing for tuberculosis of any child whose parent or guardian is opposed to such testing, and who objects by a written sworn statement to the testing for tuberculosis of the child on religious grounds. However, in a suspected case of tuberculosis, a local health department may require testing of this child.
- (3) All public or private primary or secondary schools, and preschool programs shall require a current immunization certificate for any child enrolled as a regular attendee, as provided by administrative regulation of the Cabinet for Health and Family Services, promulgated under KRS Chapter 13A, to be on file within two (2) weeks of the child's attendance.
- (4) All public or private primary schools shall require a current immunization certificate for hepatitis B for any child enrolled as a regular attendee in the sixth grade, as provided by administrative regulation of the Cabinet for Health and Family Services, promulgated under KRS Chapter 13A, to be on file within two (2) weeks of the child's attendance.
- (5) For each child cared for in a day-care center, certified family child-care home, or any other licensed facility which cares for children, a current immunization

certificate, as provided by administrative regulation of the Cabinet for Health and Family Services, promulgated under KRS Chapter 13A, shall be on file in the center, home, or facility within thirty (30) days of entrance into the program or admission to the facility.

- (6) Any forms relating to exemption from immunization requirements shall be available at public or private primary or secondary schools, preschool programs, day-care centers, certified family child-care homes, or other licensed facilities which care for children.

**Effective:** July 15, 2008

**History:** Amended 2008 Ky. Acts ch. 124, sec. 1, effective July 15, 2008. -- Amended 2005 Ky. Acts ch. 99, sec. 448, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 349, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 302, sec. 1, effective July 15, 1998; and ch. 426, sec. 395, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 306, sec. 1, effective July 15, 1996. -- Amended 1982 Ky. Acts ch. 271, sec. 1, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 14, sec. 1; and ch. 128, sec. 4. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(1) and (3). -- Amended 1972 Ky. Acts ch. 341, sec. 2. -- Amended 1968 Ky. Acts ch. 87, sec. 2. -- Created 1962 Ky. Acts ch. 95, sec. 2.

**Legislative Research Commission Note (7/15/98).** A reference in this statute to the former Department of Health Services has been changed to the Department of Public Health under 1998 Ky. Acts ch. 426, sec. 629, and KRS 7.136(2).