

TITLE XIII. EDUCATION
CHAPTER 158. CONDUCT OF SCHOOLS -- SPECIAL PROGRAMS
CONDUCT OF SCHOOLS

KRS § 158.035 (2007)

§ 158.035. Certificate of immunization

Except as provided in KRS 214.036, no child shall be eligible to enroll as a student in any public or private elementary or secondary school without first presenting a certificate from a medical or osteopathic physician licensed in any state. The certificate shall state that the child has been immunized against diphtheria, tetanus, poliomyelitis, rubeola, and rubella in accordance with the provisions of this section and KRS 214.010, 214.020, 214.032 to 214.036, and 214.990 and the regulations of the secretary for health and family services. The governing body of private and public schools shall enforce the provisions of this section.

TITLE XVIII. PUBLIC HEALTH
CHAPTER 214. DISEASES
GENERAL PROVISIONS

KRS § 214.034 (2007)

§ 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. This provision shall sunset following the 2008-2009 school year unless otherwise authorized by the General Assembly.

(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.

KRS § 214.036 (2007)

§ 214.036 Exceptions to testing or immunization requirement

Nothing contained in KRS 158.035, 214.010, 214.020, 214.032 to 214.036, and 214.990 shall be construed to require the testing for tuberculosis or the immunization of any child at a time when, in the written opinion of his attending physician, such testing or immunization would be injurious to the child's health. Nor shall KRS 158.035, 214.010, 214.020, 214.032 to 214.036, and 214.990 be construed to require the immunization of any child whose parents are opposed to medical immunization against disease, and who object by a written sworn statement to the immunization of such child on religious grounds. Provided, however, that in the event of an epidemic in a given area, the Cabinet

for Health and Family Services may, in an emergency regulation, require the immunization of all persons within the area of the epidemic, against the disease responsible for such epidemic.

**TITLE 902. CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR PUBLIC HEALTH
CHAPTER 2. COMMUNICABLE DISEASES**

902 KAR 2:060 (2007)

Immunization schedules for attending day care centers, certified family child care homes, other licensed facilities which care for children, preschool programs, and public and private primary and secondary schools.

Section 1. Definitions.

- (1) "Advisory Committee on Immunization Practices" or "ACIP" means the United States Public Health Service Committee that makes national immunization recommendations to the Centers for Disease Control and Prevention.
- (2) "Dose" means a measured quantity of vaccine, specified in the package insert provided by the manufacturer.
- (3) "DT" means diphtheria and tetanus toxoids combined.
- (4) "DTaP" means diphtheria and tetanus toxoids combined with acellular pertussis vaccine.
- (5) "DTP" means diphtheria and tetanus toxoids combined with pertussis vaccine.
- (6) "HepB" means hepatitis B vaccine.
- (7) "Hib" means haemophilus influenzae type b conjugate vaccine.
- (8) "IPV" means inactivated polio virus vaccine.
- (9) "MMR" means measles, mumps, and rubella vaccines combined.
- (10) "Measles-containing vaccine" means a vaccine that contains the measles virus.
- (11) "OPV" means trivalent oral poliovirus vaccine (Sabin).
- (12) "Td" means combined tetanus and diphtheria toxoids (adult type).
- (13) "Varicella" means chickenpox vaccine.

Section 2. Immunization Schedules.

- (1) A child three (3) months of age or older, without a current immunization certificate, shall not attend:
 - (a) A day care center;
 - (b) Certified family child care home;
 - (c) Other licensed facility which cares for children;
 - (d) Preschool program; or
 - (e) Public or private primary or secondary school.

(2) Except as provided in Section 3 of this administrative regulation, the immunization certificate of a child shall be considered current if the child is:

(a) At least three (3) and less than five (5) months of age and has received at least:

1. One (1) dose of DTP or DTaP;
2. One (1) dose of OPV or IPV;
3. One (1) dose of Hib; and
4. One (1) dose of HepB;

(b) At least five (5) and less than seven (7) months of age and has received at least:

1. Two (2) doses of DTP or DTaP or combinations of the two (2) vaccines;
2. Two (2) doses of OPV or IPV or combinations of the two (2) vaccines;
3. Two (2) doses of Hib; and
4. Two (2) doses of HepB;

(c) At least seven (7) and less than twelve (12) months of age and has received at least:

1. Three (3) doses of DTP or DTaP or combinations or the two (2) vaccines;
2. Two (2) doses of OPV or IPV or combinations of the two (2) vaccines;
3. Three (3) doses of Hib; and
4. Two (2) doses of HepB;

(d) At least twelve (12) and less than sixteen (16) months of age and has received at least:

1. Three (3) doses of DTP or DTaP or combinations of the two (2) vaccines;
2. Two (2) doses of OPV or IPV or combinations of the two (2) vaccines;
- 3.

a. Three (3) doses of Hib; or

b. Two (2) doses of Hib between twelve (12) and fifteen (15) months of age; and

4. Three (3) doses of HepB;

(e) At least sixteen (16) and less than nineteen (19) months of age and has received at least:

1. Four (4) doses of DTP or DTaP or combinations of the two (2) vaccines;
2. Two (2) doses of OPV or IPV or combinations of the two (2) vaccines;
3. Four (4) doses of Hib;
4. One (1) dose of MMR; and
5. Three (3) doses of HepB;

(f) At least nineteen (19) and less than forty-nine (49) months of age and has received at least:

1. Four (4) doses of DTP or DTaP or combinations of the two (2) vaccines;
2. Three (3) doses of OPV or IPV or combinations of the two (2) vaccines;
3. Four (4) doses of Hib;
4. One (1) dose of MMR;
5. One (1) dose of varicella, unless a parent, guardian, or physician states that the child has had chickenpox disease; and
6. Three (3) doses of HepB;

(g) At least forty-nine (49) months and less than five (5) years of age and has received at least:

1. Four (4) doses of DTP or DTaP or combinations of the two (2) vaccines;
2. Three (3) doses of OPV or IPV or combinations of the two (2) vaccines;
3. Four (4) doses of Hib;
4. One (1) dose of MMR and a second dose of measles-containing vaccine;
5. Three (3) doses of HepB; and
6. One (1) dose of varicella vaccine, unless a parent, guardian, or physician states that the child has had chickenpox disease;

(h) At least five (5) and less than seven (7) years of age and has received at least:

1. Five (5) doses of DTP or DTaP or combinations of the two (2) vaccines;
2. Four (4) doses of OPV or IPV or combinations of the two (2) vaccines;
3. One (1) dose of MMR and a second dose of measles-containing vaccine;
4. Three (3) doses of HepB; and
5. One (1) dose of varicella, unless a parent, guardian, or physician states that the child has had chickenpox disease; or

(i) Seven (7) years of age or older and has received:

1. a. Five (5) doses of DTP or DTaP or combinations of the two (2) vaccines; and b. A dose of Td that was preceded by two (2) doses of DTP, DtaP, DT, or Td or combinations of the four (4) vaccines;
2. One (1) dose of Td given at eleven (11) to twelve (12) years of age, if at least five (5) years have elapsed since the last dose of DtaP, DTP, or DT;
3. Four (4) doses of OPV or IPV or combinations of the two (2) vaccines;
4. One (1) dose of MMR and if he or she was born October 1, 1990 or later, a second dose of measles-containing vaccine; and
5. a. Three doses of HepB, if he or she was born October 1, 1992 or later; or b. Two (2) doses of adult HepB approved by the Federal Drug Administration (FDA) as an alternative schedule for adolescents eleven (11) to fifteen (15) years of age, completed by age sixteen (16).

(3) For sixth grade entry, notwithstanding age, a child shall have received:

- (a) One (1) dose of MMR and a second dose of measles-containing vaccine;
- (b)

1. Until the 2008-2009 school year, three (3) doses of HepB; or 2. Two (2) doses of adult HepB approved by the FDA an alternative schedule for adolescents eleven (11) to fifteen (15) years of age, completed by age sixteen (16); and

(c) Three (3) doses of OPV or IPV or combinations of the two (2) vaccines.

(4) A booster dose of DtaP, DTP, or DT shall be given every ten (10) years.

(5) Immunizations shall be administered at least at the minimum ages and intervals recommended by the ACIP. Partial, split, half, or fractionated quantities shall not be counted as a dose.

Section 3. Exceptions and Exemptions to the Immunization Schedules.

(1) If the first two (2) doses of Hib vaccine required in Section 2(2) of this administrative regulation were meningococcal group B outer membrane protein vaccines, the third dose may be omitted.

(2) If a dose of Hib vaccine has been administered to a child who is at least fifteen (15) and less than sixty (60) months of age, the child shall:

- (a) Not be required to receive further doses of Hib; and
- (b) Be considered to have received the doses required by this administrative regulation.

(3) A child with a contraindication to pertussis vaccine may be given DT in lieu of DTP or DTaP required in Section 2 of this administrative regulation.

(4) If the fourth dose of DT, DTP, or DTaP was administered on or after the fourth birthday, the fifth dose shall not be required.

(5) If the third dose of IPV or OPV was administered on or after the fourth birthday, the fourth dose shall not be required.

(6) A child with a medical contraindication to receiving a vaccine may obtain, from his attending physician, a "Certificate of Medical Exemption" from the requirements of Section 2 of this administrative regulation, in compliance with KRS 214.036.

(7) A physician, local health department, or medical facility administering immunizations, shall, upon receipt of a written sworn statement from the parent or guardian of a child, issue a "Certificate of Religious Exemption" from the requirements of Section 2 of this administrative regulation, in compliance with KRS 214.036.

(8) (a) A provisional immunization certificate shall be issued for an otherwise-qualified child:

1. Who has not yet reached the required minimum age; or
2. For whom the time interval between doses has not elapsed.

(b) A provisional immunization certificate shall:

1. Permit a child to attend a day care center, certified family child care home, other licensed facility which cares for children, preschool program, primary or secondary school until he or she reaches the appropriate age, or upon passage of the time interval between required doses;
2. Expire fourteen (14) days from the date the next dose is required to be given; and
3. Not be valid for more than one (1) year.

Section 4. Immunization Certificates.

(1) An immunization certificate may be issued by:

- (a) A physician;
- (b) An advanced registered nurse practitioner;
- (c) A physician's assistant;
- (d) Local health department; or
- (e) Other licensed health facility administering immunizations.

(2) An immunization certificate may be signed by:

- (a) A physician;
- (b) An advanced registered nurse practitioner;
- (c) A physician's assistant;
- (d) Local health department administrator; or
- (e) A physician or local health department administrator designee.

(3) A local health department, physician, or other licensed health facility administering immunizations may obtain the following immunization certificates from the Cabinet for Health Services:

- (a) "Commonwealth of Kentucky Immunization Certificate";
- (b) "Commonwealth of Kentucky Certificate of Medical Exemption";
- (c) "Commonwealth of Kentucky Childhood Immunization Law Certificate of Religious Exemption"; or
- (d) "Commonwealth of Kentucky Provisional Immunization Certificate".

(4) If an immunization certificate that was not provided by the Cabinet for Health Services is issued to a child, it shall:

- (a) Be a hard copy or an electronically-produced copy;
- (b) Be in the same format as a certificate provided by the Cabinet for Health Services;
and
- (c) Contain at least the following information:
 - 1. The name of the child;
 - 2. The birthdate of the child;
 - 3. The name of the parent or guardian of the child;
 - 4. The address of the child, including street, city, state, zip code;
 - 5. The type of vaccine administered to the child;
 - 6. The date that each dose of each vaccine was administered;
 - 7. Certification that the child is current for immunizations until a specified date, including a statement that the certificate shall not be valid after the specified date;
 - 8. The signature and the date of the signature of:
 - a. The physician;
 - b. Local health department administrator; or
 - c. Designee of the physician or local health department administrator.

(5) A completed immunization certificate shall:

(a) Be on file for a child:

- 1. Enrolled in a public or private primary or secondary school or preschool program; or
- 2. Cared for in:
 - a. A day care center;
 - b. A certified family child care home; or
 - c. Other licensed facility that cares for children; and

(b) Be available for inspection and review by a representative of the cabinet.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Commonwealth of Kentucky Immunization Certificate (EPID 230), revised 9/2002";
- (b) "Commonwealth of Kentucky Provisional Immunization Certificate (EPID 230A), revised 9/2002";
- (c) "Commonwealth of Kentucky Certificate of Medical Exemption (EPID 230B), revised 9/2002"; and
- (d) "Commonwealth of Kentucky Childhood Immunization Law Certificate of Religious Exemption (EPID 230C), revised 9/2002".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort Kentucky, 40621, Monday through Friday, 8 a.m. to 4:30 p.m.