

By: Representative Smith (39th)

To: Public Health and  
Welfare

## HOUSE BILL NO. 741

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE HEPATITIS B IMMUNIZATION SHALL BE REQUIRED FOR  
3 ALL STUDENTS IN GRADE 6 OR ELEVEN YEARS OF AGE BEGINNING WITH THE  
4 2000-2001 SCHOOL YEAR; AND FOR RELATED PURPOSES. BE IT ENACTED BY  
5 THE LEGISLATURE OF THE STATE OF MISSISSIPPI:  
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7 SECTION 1. Section 41-23-37, Mississippi Code of 1972, is  
8 amended as follows:

9 41-23-37. Whenever indicated, the State Health Officer shall  
10 specify such immunization practices as may be considered best for  
11 the control of vaccine preventable diseases. A listing shall be  
12 promulgated annually or more often, if necessary.

13 Except as provided hereinafter, it shall be unlawful for any  
14 child to attend any school, kindergarten or similar type facility  
15 intended for the instruction of children (hereinafter called  
16 "schools"), either public or private, with the exception of any  
17 legitimate home instruction program as defined in Section  
18 37-13-91, Mississippi Code of 1972, for ten (10) or less children  
19 who are related within the third degree computed according to the  
20 civil law to the operator, unless they shall first have been  
21 vaccinated against those diseases specified by the State Health  
22 Officer.

23 The State Board of Health shall promulgate a rule to require  
24 hepatitis B virus immunizations for all students who are in Grade  
25 6 and all other children who are eleven (11) years of age. This  
26 rule shall take effect on or before the 2000-2001 school year  
27 begins and the rule shall be promulgated by October 1, 1999.

28 A certificate of exemption from vaccination for medical

29 reasons may be offered on behalf of a child by a duly licensed  
30 physician and may be accepted by the local health officer when, in  
31 his opinion, such exemption will not cause undue risk to the  
32 community.

33 Certificates of vaccination shall be issued by local health  
34 officers or physicians on forms specified by the Mississippi State  
35 Board of Health. These forms shall be the only acceptable means  
36 for showing compliance with these immunization requirements, and  
37 the responsible school officials shall file the form with the  
38 child's record.

39 If a child shall offer to enroll at a school without having  
40 completed the required vaccinations, the local health officer may  
41 grant a period of time up to ninety (90) days for such completion  
42 when, in the opinion of the health officer, such delay will not  
43 cause undue risk to the child, the school or the community. No  
44 child shall be enrolled without having had at least one (1) dose  
45 of each specified vaccine.

46 Within thirty (30) days after the opening of the fall term of  
47 school (on or before October 1 of each year) the person in charge  
48 of each school shall report to the county or local health officer,  
49 on forms provided by the Mississippi State Board of Health, the  
50 number of children enrolled by age or grade or both, the number  
51 fully vaccinated, the number in process of completing vaccination  
52 requirements, and the number exempt from vaccination by reason for  
53 such exemption.

54 Within one hundred twenty (120) days after the opening of the  
55 fall term (on or before December 31), the person in charge of each  
56 school shall certify to the local or county health officer that  
57 all children enrolled are in compliance with immunization  
58 requirements.

59 For the purpose of assisting in supervising the immunization  
60 status of the children the local health officer, or his designee,  
61 may inspect the children's records or be furnished certificates of

62 immunization compliance by the school.

63         It shall be the responsibility of the person in charge of  
64 each school to enforce the requirements for immunization. Any  
65 child not in compliance at the end of ninety (90) days from the  
66 opening of the fall term must be suspended until in compliance,  
67 unless the health officer shall attribute the delay to lack of  
68 supply of vaccine or some other such factor clearly making  
69 compliance impossible.

70         Failure to enforce provisions of this section shall  
71 constitute a misdemeanor and upon conviction be punishable by fine  
72 or imprisonment or both.

73         SECTION 2. This act shall take effect and be in force from  
74 and after July 1, 1999.