

By: Hewes (By Request)

To: Public Health and  
Welfare

SENATE BILL NO. 2753

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE USE OF THE CHICKENPOX (VARICELLA) VACCINE AS A  
3 PREREQUISITE FOR SCHOOL ENTRY INTO KINDERGARTEN; AND FOR RELATED  
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 41-23-37, Mississippi Code of 1972, is  
7 amended as follows:[RDD1]

8 41-23-37. Whenever indicated, the State Health Officer shall  
9 specify such immunization practices as may be considered best for  
10 the control of vaccine preventable diseases. A listing shall be  
11 promulgated annually or more often, if necessary.

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

24 A certificate of exemption from vaccination for medical  
25 reasons may be offered on behalf of a child by a duly licensed  
26 physician and may be accepted by the local health officer when, in  
27 his opinion, such exemption will not cause undue risk to the

28 community.

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

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

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

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

55       For the purpose of assisting in supervising the immunization  
56 status of the children the local health officer, or his designee,  
57 may inspect the children's records or be furnished certificates of  
58 immunization compliance by the school.

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

65 compliance impossible.

66 Failure to enforce provisions of this act shall constitute a  
67 misdemeanor and upon conviction be punishable by fine or  
68 imprisonment or both.

69 SECTION 2. This act shall take effect and be in force from  
70 and after July 1, 2000.