

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2639

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY REQUIREMENTS FOR THE IMMUNIZATION OF SCHOOL CHILDREN  
3 ENTERING MIDDLE SCHOOL AND TO PROVIDE THAT IT IS UNLAWFUL FOR A  
4 CHILD TO ATTEND MIDDLE SCHOOL WITHOUT PROPER IMMUNIZATION; AND FOR  
5 RELATED PURPOSES.

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

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, as hereinafter provided: The State Department of Health  
23 shall promulgate rules and regulations governing the immunization  
24 against poliomyelitis, rubella, rubeola, mumps, tetanus,  
25 pertussis, diphtheria and hepatitis B, to be required of children  
26 entering middle school, including public, private, parochial or  
27 parish schools. Such rules and regulations may modify the  
28 immunizations that are required of children in this subsection.

29 The immunizations required and the manner and frequency of their  
30 administration shall conform to recognized standards of medical  
31 practice. The State Department of Health shall supervise and  
32 secure the enforcement of the required immunization program. It  
33 is unlawful for any student to attend school unless he or she has  
34 been immunized as required under this section pursuant to the  
35 rules and regulations of the State Department of Health, and can  
36 provide satisfactory evidence of such immunization; except that if  
37 he or she produces satisfactory evidence of having begun the  
38 process of immunization, he or she may continue to attend school  
39 as long as the immunization process is being accomplished in the  
40 prescribed manner. It is unlawful for any parent or guardian to  
41 refuse or neglect to have his or her child immunized as required  
42 by this section, unless the child is properly exempted. This  
43 section shall not apply to any child if one (1) parent or guardian  
44 objects in writing to his or her school administrator against the  
45 immunization of the child, because of religious beliefs or medical  
46 contraindications. In cases where any such objection is for  
47 reasons of medical contraindications, a statement from a duly  
48 licensed physician must also be provided to the school  
49 administrator. Each school superintendent, whether of a public,  
50 private, parochial or parish school, shall cause to be prepared a  
51 record showing the immunization status of every child enrolled in  
52 or attending a school under his or her jurisdiction. The name of  
53 any parent or guardian who neglects or refuses to permit a  
54 nonexempted child to be immunized against diseases as required by  
55 the rules and regulations promulgated pursuant to the provisions  
56 of this section shall be reported by the school superintendent to  
57 the State Department of Health. The immunization required may be  
58 done by any duly licensed physician or by someone under his or her  
59 direction. If the parent or guardian is unable to pay, the child  
60 shall be immunized at public expense by a physician or nurse at or  
61 from the county, district, city public health center or a school

62 nurse or by a nurse or physician in the private office or clinic  
63 of the child's personal physician with the costs of immunization  
64 paid through the state Medicaid program, private insurance or in a  
65 manner to be determined by the State Department of Health subject  
66 to state and federal appropriations and after consultation with  
67 the school superintendent. Funds for the administration of this  
68 section and for the purchase of vaccines for children of families  
69 unable to afford them shall be appropriated by the Legislature to  
70 the State Department of Health from available federal or other  
71 funds.

72 A certificate of exemption from vaccination for medical  
73 reasons may be offered on behalf of a child by a duly licensed  
74 physician and may be accepted by the local health officer when, in  
75 his opinion, such exemption will not cause undue risk to the  
76 community.

77 Certificates of vaccination shall be issued by local health  
78 officers or physicians on forms specified by the Mississippi State  
79 Board of Health. These forms shall be the only acceptable means  
80 for showing compliance with these immunization requirements, and  
81 the responsible school officials shall file the form with the  
82 child's record.

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

90 Within thirty (30) days after the opening of the fall term of  
91 school (on or before October 1 of each year) the person in charge  
92 of each school shall report to the county or local health officer,  
93 on forms provided by the Mississippi State Board of Health, the  
94 number of children enrolled by age or grade or both, the number

95 fully vaccinated, the number in process of completing vaccination  
96 requirements, and the number exempt from vaccination by reason for  
97 such exemption.

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

103         For the purpose of assisting in supervising the immunization  
104 status of the children the local health officer, or his designee,  
105 may inspect the children's records or be furnished certificates of  
106 immunization compliance by the school.

107         It shall be the responsibility of the person in charge of  
108 each school to enforce the requirements for immunization. Any  
109 child not in compliance at the end of ninety (90) days from the  
110 opening of the fall term must be suspended until in compliance,  
111 unless the health officer shall attribute the delay to lack of  
112 supply of vaccine or some other such factor clearly making  
113 compliance impossible.

114         Failure to enforce provisions of this act shall constitute a  
115 misdemeanor and upon conviction be punishable by fine or  
116 imprisonment or both.

117         SECTION 2. Section 41-23-37, Mississippi Code of 1972, is  
118 amended as follows:

119         41-23-37. Whenever indicated, the State Health Officer shall  
120 specify such immunization practices as may be considered best for  
121 the control of vaccine preventable diseases. A listing shall be  
122 promulgated annually or more often, if necessary.

123         Except as provided hereinafter, it shall be unlawful for any  
124 child to attend any school, kindergarten or similar type facility  
125 intended for the instruction of children (hereinafter called  
126 "schools"), either public or private, with the exception of any  
127 legitimate home instruction program as defined in Section

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129 who are related within the third degree computed according to the  
130 civil law to the operator, unless they shall first have been  
131 vaccinated against those diseases specified by the State Health  
132 Officer, as hereinafter provided: insert

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134 reasons may be offered on behalf of a child by a duly licensed  
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136 his opinion, such exemption will not cause undue risk to the  
137 community.

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139 officers or physicians on forms specified by the Mississippi State  
140 Board of Health. These forms shall be the only acceptable means  
141 for showing compliance with these immunization requirements, and  
142 the responsible school officials shall file the form with the  
143 child's record.

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145 completed the required vaccinations, the local health officer may  
146 grant a period of time up to ninety (90) days for such completion  
147 when, in the opinion of the health officer, such delay will not  
148 cause undue risk to the child, the school or the community. No  
149 child shall be enrolled without having had at least one (1) dose  
150 of each specified vaccine.

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152 school (on or before October 1 of each year) the person in charge  
153 of each school shall report to the county or local health officer,  
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156 fully vaccinated, the number in process of completing vaccination  
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172 unless the health officer shall attribute the delay to lack of  
173 supply of vaccine or some other such factor clearly making  
174 compliance impossible.

175 Failure to enforce provisions of this act shall constitute a  
176 misdemeanor and upon conviction be punishable by fine or  
177 imprisonment or both.

178 SECTION 3. This act shall take effect and be in force from  
179 and after July 1, 2001.