SENATE BILL NO. 2639

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

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

SECTION 1. Section 41-23-37, Mississippi Code of 1972, is amended as follows:

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

Except as provided hereinafter, it shall be unlawful for any child to attend any school, kindergarten or similar type facility intended for the instruction of children (hereinafter called "schools"), either public or private, with the exception of any legitimate home instruction program as defined in Section 37-13-91, Mississippi Code of 1972, for ten (10) or less children who are related within the third degree computed according to the civil law to the operator, unless they shall first have been vaccinated against those diseases specified by the State Health Officer, as hereinafter provided: The State Department of Health shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria and hepatitis B, to be required of children entering middle school, including public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection.
The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The State Department of Health shall supervise and secure the enforcement of the required immunization program. It is unlawful for any student to attend school unless he or she has been immunized as required under this section pursuant to the rules and regulations of the State Department of Health, and can provide satisfactory evidence of such immunization; except that if he or she produces satisfactory evidence of having begun the process of immunization, he or she may continue to attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his or her child immunized as required by this section, unless the child is properly exempted. This section shall not apply to any child if one (1) parent or guardian objects in writing to his or her school administrator against the immunization of the child, because of religious beliefs or medical contraindications. In cases where any such objection is for reasons of medical contraindications, a statement from a duly licensed physician must also be provided to the school administrator. Each school superintendent, whether of a public, private, parochial or parish school, shall cause to be prepared a record showing the immunization status of every child enrolled in or attending a school under his or her jurisdiction. The name of any parent or guardian who neglects or refuses to permit a nonexempted child to be immunized against diseases as required by the rules and regulations promulgated pursuant to the provisions of this section shall be reported by the school superintendent to the State Department of Health. The immunization required may be done by any duly licensed physician or by someone under his or her direction. If the parent or guardian is unable to pay, the child shall be immunized at public expense by a physician or nurse at or from the county, district, city public health center or a school.
nurse or by a nurse or physician in the private office or clinic
of the child's personal physician with the costs of immunization
paid through the state Medicaid program, private insurance or in a
manner to be determined by the State Department of Health subject
to state and federal appropriations and after consultation with
the school superintendent. Funds for the administration of this
section and for the purchase of vaccines for children of families
unable to afford them shall be appropriated by the Legislature to
the State Department of Health from available federal or other
funds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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