

By: Senator(s) White (29th)

To: Public Health and Welfare

SENATE BILL NO. 2193

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A PARENT OR GUARDIAN MAY OBJECT TO THE
3 IMMUNIZATION REQUIREMENTS OF HIS OR HER CHILD BECAUSE OF RELIGIOUS
4 BELIEFS OR MEDICAL CONTRAINDICATIONS; AND FOR RELATED 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:

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.

22 The requirement for vaccination shall not apply to any child
23 if one or more parent or guardian objects in writing, to his or
24 her school administrator, against the vaccination of the child
25 because of religious beliefs or medical contraindications. A
26 certificate of exemption from vaccination for medical
27 contraindications may be offered on behalf of a child by a duly
28 licensed physician to the school administrator and shall be



29 accepted by the local health officer when, in his opinion, such
30 exemption will not cause undue risk to the community.

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

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

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

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

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



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

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

71 **SECTION 2.** This act shall take effect and be in force from
72 and after July 1, 2002.

