SENATE BILL NO. 2193

AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PARENT OR GUARDIAN MAY OBJECT TO THE IMMUNIZATION REQUIREMENTS OF HIS OR HER CHILD BECAUSE OF RELIGIOUS BELIEFS OR MEDICAL CONTRAINDICATIONS; 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.

The requirement for vaccination shall not apply to any child if one or more parent or guardian objects in writing, to his or her school administrator, against the vaccination of the child because of religious beliefs or medical contraindications. A certificate of exemption from vaccination for medical contraindications may be offered on behalf of a child by a duly licensed physician to the school administrator and shall 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
shall 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. This act shall take effect and be in force from and after July 1, 2002.