

By: Senator(s) Burton

To: Public Health and Welfare

SENATE BILL NO. 2385

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,
2 TO DIRECT THE STATE DEPARTMENT OF HEALTH TO REQUIRE ALL CHILDREN
3 ENTERING KINDERGARTEN, FIRST AND THIRD GRADES TO PASS AN APPROVED
4 VISION SCREENING PROGRAM AND TO PROVIDE FOR FOLLOW-UP EYE
5 EXAMINATIONS; AND FOR 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. (1) Whenever indicated, the State Health Officer
10 shall specify such immunization practices as may be considered
11 best for the control of vaccine preventable diseases. A listing
12 shall be promulgated annually or more often, if necessary.

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

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

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

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

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

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

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

58 (h) It shall be the responsibility of the person in
59 charge of each school to enforce the requirements for
60 immunization. Any child not in compliance at the end of ninety

61 (90) days from the opening of the fall term must be suspended
62 until in compliance, unless the health officer shall attribute the
63 delay to lack of supply of vaccine or some other such factor
64 clearly making compliance impossible.

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

68 (3) (a) Upon entering Kindergarten, or within thirty (30)
69 days of the start of the school year, the parent or guardian of
70 each child shall present to school health personnel certification
71 that the child within the previous twelve (12) months passed a
72 vision screening conducted by personnel approved by the State
73 Department of Health. The department shall promulgate regulations
74 to establish vision screening standards.

75 (b) Upon entering first and third grades or within
76 thirty (30) days of the start of the school year, the parent or
77 guardian of each child shall present to school health personnel
78 certification that the child within the previous six (6) months
79 passed a vision screening conducted by personnel approved by the
80 State Department of Health. The department shall promulgate
81 regulations to establish vision screening standards.

82 (c) For those children enrolling in Kindergarten, first
83 or third grades that fail the required vision screening, a
84 comprehensive eye examination, performed by an ophthalmologist or
85 optometrist, shall also be required. A comprehensive eye
86 examination shall include measurement of visual acuity; ocular
87 alignment and motility; depth perception-stereopsis; fusion; slit
88 lamp; examination of the anterior segment and pupils; cycloplegic
89 refraction and dilated fundus exam. Any person who conducts a
90 comprehensive eye examination of a child in response to such child
91 having failed a vision screening given in accordance with the
92 provisions of this section shall forward a written report of the
93 results of the examination to school health personnel and a copy

94 of the report to a parent or guardian of such child and the
95 child's primary health care provider. The report shall include,
96 but not be limited to, the following:

97 (i) Date of report;

98 (ii) Name, address and date of birth of the child;

99 (iii) Name of the child's school;

100 (iv) Type of examination;

101 (v) A summary of significant findings, including
102 diagnoses, medication used, duration of action of medication,
103 treatment, prognosis, whether or not a return visit is recommended
104 and, if so, when;

105 (vi) Recommended educational adjustments for the
106 child, if any, which may including the following: preferential
107 seating in the classroom, eyeglasses for full-time use in school,
108 eyeglasses for part-time use in school, sight-saving eyeglasses or
109 any other recommendations;

110 (vii) Name, address and signature of the examiner.

111 (d) No child shall be excluded from attending
112 Kindergarten, first or third grade for a parent's or guardian's
113 failure to furnish a report of the child's vision screening or an
114 examiner's failure to furnish the results of a child's
115 comprehensive ophthalmologic examination. Parents and guardians
116 that fail to present the required report shall be notified in
117 writing of the required vision examination.

118 (e) Enforcement of the provisions of this act shall be
119 performed by the local school superintendent or headmaster of the
120 private school, or director of the Kindergarten program, as
121 appropriate. The State Department of Health shall issue a report
122 annually on the impact and effectiveness of the law.

123 **SECTION 2.** This act shall take effect and be in force from
124 and after July 1, 2006.