

By: Representative Bain (By Request)

To: Education; Public Health  
and Human Services

HOUSE BILL NO. 349

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE AN EXEMPTION FROM THE IMMUNIZATION REQUIREMENTS TO  
3 CHILDREN ATTENDING PUBLIC SCHOOLS FOR BONA FIDE RELIGIOUS BELIEFS  
4 OF THE PARENT, GUARDIAN OR PERSON IN LOCO PARENTIS OF A CHILD IF  
5 THOSE BELIEFS ARE CONTRARY TO THE IMMUNIZATION REQUIREMENTS OF THE  
6 STATE; TO PROVIDE THAT UPON SUBMISSION OF A WRITTEN STATEMENT OF  
7 THE BONA FIDE RELIGIOUS BELIEFS AND OPPOSITION TO THE IMMUNIZATION  
8 REQUIREMENTS, THE CHILD MAY ATTEND THE SCHOOL OR FACILITY WITHOUT  
9 PRESENTING A CERTIFICATE OF IMMUNIZATION; AND FOR RELATED  
10 PURPOSES.

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

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

14 41-23-37. Whenever indicated, the State Health Officer shall  
15 specify such immunization practices as may be considered best for  
16 the control of vaccine preventable diseases. A listing shall be  
17 promulgated annually or more often, if necessary.

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



23 37-13-91, Mississippi Code of 1972, for ten (10) or less children  
24 who are related within the third degree computed according to the  
25 civil law to the operator, unless they shall first have been  
26 vaccinated against those diseases specified by the State Health  
27 Officer.

28 A certificate of exemption from vaccination for medical  
29 reasons may be offered on behalf of a child by a duly licensed  
30 physician and may be accepted by the local health officer when, in  
31 his opinion, such exemption will not cause undue risk to the  
32 community. If the bona fide religious beliefs of the parent,  
33 guardian or person in loco parentis of a child are contrary to the  
34 immunization requirements contained in this section, then the  
35 child shall be exempt from the immunization requirements. Upon  
36 submission of a written statement of the bona fide religious  
37 beliefs and opposition to the immunization requirements, the child  
38 may attend the school or facility without presenting a certificate  
39 of immunization.

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

46 If a child shall offer to enroll at a school without having  
47 completed the required vaccinations, the local health officer may



48 grant a period of time up to ninety (90) days for such completion  
49 when, in the opinion of the health officer, such delay will not  
50 cause undue risk to the child, the school or the community. No  
51 child shall be enrolled without having had at least one (1) dose  
52 of each specified vaccine.

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

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

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

70         It shall be the responsibility of the person in charge of  
71 each school to enforce the requirements for immunization. Any  
72 child not in compliance at the end of ninety (90) days from the



73 opening of the fall term must be suspended until in compliance,  
74 unless the health officer shall attribute the delay to lack of  
75 supply of vaccine or some other such factor clearly making  
76 compliance impossible.

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

80 **SECTION 2.** This act shall take effect and be in force from  
81 and after July 1, 2013.

