

By: Representatives Formby, Cockerham, Brown (20th), Baker, Chism, Carpenter, Morgan, Hamilton, Boyd, Rushing, Byrd, Guice, Moore, Crawford, Ladner, Kinkade, Frierson, Dixon, Willis, Smith (39th), Nelson, Lott, Howell, Gipson To: Education

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 130

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE AUTHORITY FOR PARENTS OR GUARDIANS OF SCHOOL-AGE
3 CHILDREN TO OBTAIN CERTIFICATES OF EXEMPTION FROM VACCINATIONS FOR
4 MEDICAL REASONS IN ORDER FOR THE CHILD TO ATTEND SCHOOL; TO
5 PROVIDE THAT IN ORDER TO CLAIM AN EXEMPTION FROM A REQUIRED
6 VACCINATION FOR MEDICAL REASONS, THE CHILD'S PARENT OR GUARDIAN
7 MUST PRESENT A CERTIFICATE FROM THE CHILD'S PHYSICIAN STATING THAT
8 THE REQUIRED VACCINE IS MEDICALLY CONTRAINDICATED OR POSES A
9 SIGNIFICANT RISK TO OR WOULD BE INJURIOUS TO THE HEALTH AND
10 WELL-BEING OF THE CHILD OR ANY MEMBER OF THE CHILD'S HOUSEHOLD; TO
11 PROVIDE THAT EXEMPTIONS FROM VACCINATIONS FOR MEDICAL REASONS WILL
12 BE VALID FOR ONE YEAR; TO PROVIDE THAT THE OPINION OF THE
13 PHYSICIAN WHO SIGNED THE CERTIFICATE IS FINAL AND THE SCHOOL TO
14 WHICH THE CERTIFICATE IS PRESENTED MUST ACCEPT THE CERTIFICATE;
15 AND FOR RELATED PURPOSES.

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

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

19 41-23-37. (1) Whenever indicated, the State Health Officer
20 shall specify such immunization practices as may be considered
21 best for the control of vaccine preventable diseases. A listing
22 shall be promulgated annually or more often, if necessary.

23 (2) Except as provided \* \* \* in this section, it shall be
24 unlawful for any child to attend any school, kindergarten or



25 similar type facility intended for the instruction of children  
26 (hereinafter called "schools"), either public or private, with the  
27 exception of any legitimate home instruction program, as defined  
28 in Section 37-13-91 \* \* \* for ten (10) or \* \* \* fewer children who  
29 are related within the third degree computed according to the  
30 civil law to the operator, unless they \* \* \* have a certificate of  
31 vaccination or have submitted to the school a certificate of  
32 exemption from vaccination.

33 (3) (a) A certificate of exemption from vaccination for  
34 medical reasons that meets the requirements of this subsection may  
35 be \* \* \* presented to the school on behalf of a child \* \* \* by the  
36 child's parent or guardian.

37 (b) To claim an exemption from a required vaccination  
38 for medical reasons, the parent or guardian of the child must  
39 present a certificate signed by the child's physician (M.D. or  
40 D.O.), who is duly registered and licensed to practice medicine in  
41 Mississippi or an adjacent state and who has examined the child,  
42 in which it is stated that, in the physician's medical judgment  
43 and opinion, the required vaccine is medically contraindicated or  
44 poses a significant risk to or would be injurious to the health  
45 and well-being of the child or any member of the child's  
46 household. Unless it is written in the certificate that a  
47 lifelong condition exists, the certificate of exemption is valid  
48 for one (1) year from the date signed by the physician.



49           (c) If a certificate of exemption from vaccination  
50 meets the requirements of this subsection, the opinion of the  
51 physician who signed the certificate is final and may be not  
52 contradicted or rejected by the local health officer or the State  
53 Department of Health, and the school to which the certificate is  
54 presented must accept the certificate.

55           (4) Certificates of vaccination shall be issued by local  
56 health officers or physicians on forms specified by the  
57 Mississippi State Board of Health. These forms shall be the only  
58 acceptable means for showing compliance with \* \* \* the  
59 immunization requirements of this section, and the responsible  
60 school officials shall file the form with the child's record.

61           (5) If a child \* \* \* offers to enroll at a school without  
62 having completed the required vaccinations or submitting a  
63 certificate of exemption from vaccination, the local health  
64 officer may grant a period of time up to ninety (90) days for  
65 \* \* \* that completion when, in the opinion of the health officer,  
66 such delay will not cause undue risk to the child, the school or  
67 the community. No child without a certificate of exemption from  
68 vaccination shall be enrolled without having had at least one (1)  
69 dose of each specified vaccine.

70           (6) Within thirty (30) days after the opening of the fall  
71 term of school (on or before October 1 of each year) the person in  
72 charge of each school shall report to the county or local health  
73 officer, on forms provided by the Mississippi State Board of



74 Health, the number of children enrolled by age or grade or both,  
75 the number fully vaccinated, the number in process of completing  
76 vaccination requirements, and the number exempt from vaccination  
77 by reason \* \* \* of a certificate of exemption.

78 (7) Within one hundred twenty (120) days after the opening  
79 of the fall term (on or before December 31), the person in charge  
80 of each school shall certify to the local or county health officer  
81 that all children enrolled are in compliance with the immunization  
82 requirements of this section or have submitted a certificate of  
83 exemption from vaccination.

84 (8) For the purpose of assisting in supervising the  
85 immunization status of the children the local health officer, or  
86 his designee, may inspect the children's records or be furnished  
87 certificates of \* \* \* vaccination compliance by the school.

88 (9) It shall be the responsibility of the person in charge  
89 of each school to enforce the requirements for immunization and  
90 exemption from vaccination. Any child not in compliance at the  
91 end of ninety (90) days from the opening of the fall term must be  
92 suspended until in compliance, unless the health officer \* \* \*  
93 attributes the delay to lack of supply of vaccine or some other  
94 such factor clearly making compliance impossible.

95 (10) Failure to enforce provisions of this \* \* \* section  
96 shall constitute a misdemeanor and, upon conviction, be punishable  
97 by fine or imprisonment or both.



98           (11) The State Department of Health shall publish on its  
99 website and make available to each local health officer in each  
100 school district a list identifying the vaccinations required of  
101 students for attendance, in addition those vaccinations the  
102 department recommends for proper immunization.

103           **SECTION 2.** This act shall take effect and be in force from  
104 and after July 1, 2015.

