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To: Education

HOUSE BILL NO. 939

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A CHILD WILL BE EXEMPT FROM THE REQUIREMENT TO  
3 HAVE ANY SPECIFIC VACCINATION IN ORDER TO ATTEND A SCHOOL IF THE  
4 CHILD'S PARENT OR GUARDIAN SUBMITS TO THE SCHOOL A LETTER OR  
5 AFFIDAVIT THAT DOCUMENTS WHICH REQUIRED VACCINATIONS HAVE BEEN  
6 GIVEN, AND WHICH VACCINATIONS HAVE NOT BEEN GIVEN ON THE BASIS  
7 THAT THEY ARE CONTRARY TO HIS OR HER PHILOSOPHICAL OR RELIGIOUS  
8 BELIEFS; TO PRESCRIBE THE CONTENT TO BE INCLUDED IN THE LETTER OR  
9 AFFIDAVIT SUBMITTED TO THE SCHOOL DISTRICT OR SCHOOL OF  
10 ENROLLMENT; AND FOR RELATED 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. (1) Whenever indicated, the State Health Officer  
15 shall specify such immunization practices as may be considered  
16 best for the control of vaccine preventable diseases. A listing  
17 shall be promulgated annually or more often, if necessary.

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



23 37-13-91, \* \* \* for ten (10) or \* \* \* fewer children who are  
24 related within the third degree computed according to the civil  
25 law to the operator, unless they \* \* \* first have been vaccinated  
26 against those diseases specified by the State Health Officer have  
27 submitted a letter from a licensed physician specifying exemption  
28 for medical purposes, or have submitted to the school a letter  
29 from a parent or legal guardian explaining, in specificity the  
30 personal and philosophical aversion to vaccinations.

31 (3) A \* \* \* letter of exemption from vaccination for medical  
32 reasons may be offered on behalf of a child by a duly licensed  
33 physician in any state and written on the stationary of that  
34 physician may be accepted by the local health officer and  
35 presented to the school on behalf of a child when, in his opinion,  
36 is contraindicated for medical reasons and that \* \* \* the  
37 exemption will not cause undue risk to the community.

38 (4) (a) No child seeking to attend any school shall be  
39 required to comply with the requirements of this section for any  
40 specific vaccination in order to attend the school if the parent  
41 or guardian or adult who has assumed responsibility for the  
42 child's care and custody in the case of a minor, or the child  
43 seeking admission if an emancipated minor, submits to the school a  
44 letter or affidavit that documents which required vaccinations  
45 have been given, and which vaccinations have not been given on the  
46 basis that they are contrary to his or her religious or  
47 philosophical beliefs.



48           (b) The parent or guardian or adult who has assumed  
49 responsibility for the child's care and custody in the case of a  
50 minor, or the child seeking admission if an emancipated minor,  
51 shall submit a letter to the school district or school of  
52 enrollment specifically stating the reasons for the philosophical  
53 and religious exemption from vaccinations sought in addition to a  
54 statement as to whether the aversion is to some or all  
55 vaccinations. The letter or affidavit submitted shall also  
56 include, but not be limited to, the following:

57           (i) A statement that the parent or guardian who  
58 has assumed responsibility for the child's care and custody, in  
59 the case of a minor, or the child seeking admission if an  
60 emancipated minor, has been informed by a health care practitioner  
61 and school district regarding the risks and benefits of receiving  
62 vaccinations or not receiving vaccinations; and

63           (ii) A statement of understanding that:

64                   1. At the discretion of the State Department  
65 of Health or local health officer, the unimmunized child or  
66 individual may be removed from day care or school during an  
67 outbreak if the child or individual is not fully vaccinated; and

68                   2. The child or individual shall not return  
69 to school until the outbreak has been resolved and the State  
70 Department of Health or local health officer approves the return  
71 to school.



72           (5) Certificates of vaccination shall be issued by local  
73 health officers or physicians on forms specified by the  
74 Mississippi State Board of Health. These forms shall be the only  
75 acceptable means for showing compliance with these immunization  
76 requirements, and the responsible school officials shall file the  
77 form with the child's record.

78           (6) If a child who is not exempt under subsection (3) or (4)  
79 of this section \* \* \* offers to enroll at a school without having  
80 completed the required vaccinations, the local health officer may  
81 grant a period of time up to ninety (90) days for such completion  
82 when, in the opinion of the health officer, such delay will not  
83 cause undue risk to the child, the school or the community. No  
84 child shall be enrolled without having had at least one (1) dose  
85 of each specified vaccine.

86           (7) Within thirty (30) days after the opening of the fall  
87 term of school (on or before October 1 of each year) the person in  
88 charge of each school shall report to the county or local health  
89 officer, on forms provided by the Mississippi State Board of  
90 Health, the number of children enrolled by age or grade or both,  
91 the number fully vaccinated, the number in process of completing  
92 vaccination requirements, and the number exempt from vaccination  
93 by reason for such exemption.

94           (8) Within one hundred twenty (120) days after the opening  
95 of the fall term (on or before December 31), the person in charge  
96 of each school shall certify to the local or county health officer



97 that all children enrolled who are not exempt under subsection (3)  
98 or (4) of this section are in compliance with immunization  
99 requirements.

100 (9) For the purpose of assisting in supervising the  
101 immunization status of the children the local health officer, or  
102 his designee, may inspect the children's records or be furnished  
103 certificates of immunization compliance by the school.

104 (10) It shall be the responsibility of the person in charge  
105 of each school to enforce the requirements for immunization. Any  
106 child not exempt under subsection (3) or (4) of this section is  
107 not in compliance at the end of ninety (90) days from the opening  
108 of the fall term must be suspended until in compliance, unless the  
109 health officer \* \* \* attributes the delay to lack of supply of  
110 vaccine or some other such factor clearly making compliance  
111 impossible.

112 (11) Failure to enforce provisions of this act shall  
113 constitute a misdemeanor and upon conviction be punishable by fine  
114 or imprisonment or both.

115 **SECTION 2.** This act shall take effect and be in force from  
116 and after July 1, 2016.

