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To: Education; Public Health and Human Services

HOUSE BILL NO. 1439

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE PARENTS OR GUARDIANS OF SCHOOL-AGE CHILDREN TO OBTAIN
3 CERTIFICATES OF EXEMPTION FROM VACCINATIONS FOR CONSCIENTIOUS
4 BELIEFS IN ORDER FOR THE CHILD TO ATTEND SCHOOL; TO PROVIDE THAT
5 IN ORDER TO OBTAIN THE EXEMPTION, THE CHILD'S PARENT OR GUARDIAN
6 MUST COMPLETE AN AFFIDAVIT ON AN EXEMPTION FORM PROVIDED BY THE
7 STATE DEPARTMENT OF HEALTH; TO PROVIDE THAT THE EXEMPTION FORM
8 MUST CONTAIN A STATEMENT INDICATING THAT THE PARENT OR GUARDIAN
9 UNDERSTANDS THE BENEFITS AND RISKS OF VACCINATIONS AND THE
10 BENEFITS AND RISKS OF NOT BEING VACCINATED, AND MUST CONTAIN A
11 SECTION WHERE THE PARENT OR GUARDIAN CAN LIST THE SPECIFIC
12 VACCINATION OR VACCINATIONS FOR WHICH THE EXEMPTION APPLIES; TO
13 PROVIDE THAT THE EXEMPTION WILL BE VALID FOR ONE YEAR; AND FOR
14 RELATED PURPOSES.

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

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

18 41-23-37. (1) Whenever indicated, the State Health Officer
19 shall specify such immunization practices as may be considered
20 best for the control of vaccine preventable diseases. A listing
21 shall be promulgated annually or more often, if necessary.

22 (2) Except as provided * * * in this section, it shall be
23 unlawful for any child to attend any school, kindergarten or
24 similar type facility intended for the instruction of children



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

32 * * * (3) (a) A certificate of exemption from vaccination
33 for conscientious beliefs may be submitted to the school on behalf
34 of a child by the child's parent or guardian.

35 (b) To claim an exemption from a required vaccination
36 for conscientious beliefs, the parent or a guardian of the child
37 must complete an affidavit on an exemption form provided by the
38 State Department of Health. The affidavit must be signed by the
39 parent or guardian and the affidavit must be notarized.

40 (c) A blank exemption form for conscientious beliefs
41 may be obtained by the parent or guardian by submitting a written
42 request for the exemption form to the State Department of Health
43 or the county health department or by downloading the exemption
44 form from the website of the State Department of Health.

45 (d) The exemption form for conscientious beliefs must
46 contain a statement indicating that the parent or guardian
47 understands the benefits and risks of vaccinations and the
48 benefits and risks of not being vaccinated. In addition, it must
49 contain a section where the parent or guardian can list the



50 specific vaccination or vaccinations for which the exemption
51 applies. The completed and notarized exemption form shall expire
52 one (1) year from the date signed by the parent or guardian. The
53 parent or guardian must submit a new form every school calendar
54 year for which they are claiming an exemption from vaccination
55 requirements for conscientious beliefs.

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

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

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



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

79 (7) Within one hundred twenty (120) days after the opening
80 of the fall term (on or before December 31), the person in charge
81 of each school shall certify to the local or county health officer
82 that all children enrolled who have not submitted a certificate of
83 exemption from vaccination are in compliance with the immunization
84 requirements of this section.

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

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

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



100 **SECTION 2.** This act shall take effect and be in force from
101 and after July 1, 2017.

