

By: Representatives Formby, Horne

To: Education; Public Health
and Human Services

HOUSE BILL NO. 1457

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 section shall
113 constitute a misdemeanor and, upon conviction, be punishable by
114 fine or imprisonment or both.

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

