

By: Senator(s) Hill

To: Education; Public Health
and Welfare

SENATE BILL NO. 2059

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



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

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

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



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

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

62 (ii) A statement of understanding that:

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

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



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

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

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

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



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

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

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2018.

