

By: Representatives Eubanks, Williamson

To: Public Health and Human Services

HOUSE BILL NO. 1456

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,  
 2 TO PROHIBIT PUBLIC AND PRIVATE POSTSECONDARY EDUCATIONAL  
 3 INSTITUTIONS FROM REQUIRING STUDENTS OR RESIDENTS TO PROVIDE  
 4 DOCUMENTATION CERTIFYING SARS-COV-2 VIRUS (COVID 19) OR ANY  
 5 VARIANT OF THE SARS-COV-2 VIRUS (COVID 19) VACCINATION OR POST  
 6 INFECTION RECOVERY, OR ANY OTHER VACCINE FOR WHICH THE UNITED  
 7 STATES FOOD AND DRUG ADMINISTRATION HAS NOT GRANTED FULL APPROVAL,  
 8 AS A CONDITIONAL REQUIREMENT FOR ATTENDANCE OR ENROLLMENT; AND FOR  
 9 RELATED PURPOSES.

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

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

13 41-23-37. (1) Whenever indicated, the State Health Officer  
 14 shall specify such immunization practices as may be considered  
 15 best for the control of vaccine preventable diseases. A listing  
 16 shall be promulgated annually or more often, if necessary.

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



22 37-13-91, \* \* \* for ten (10) or less children who are related  
23 within the third degree computed according to the civil law to the  
24 operator, unless they shall first have been vaccinated against  
25 those diseases specified by the State Health Officer.

26 (3) (a) A certificate of exemption from vaccination for  
27 medical reasons may be offered on behalf of a child by a duly  
28 licensed physician and may be accepted by the local health officer  
29 when, in his opinion, such exemption will not cause undue risk to  
30 the community.

31 (b) Certificates of vaccination shall be issued by  
32 local health officers or physicians on forms specified by the  
33 Mississippi State Board of Health. These forms shall be the only  
34 acceptable means for showing compliance with these immunization  
35 requirements, and the responsible school officials shall file the  
36 form with the child's record.

37 (4) (a) If a child shall offer to enroll at a school  
38 without having completed the required vaccinations, the local  
39 health officer may grant a period of time up to ninety (90) days  
40 for such completion when, in the opinion of the health officer,  
41 such delay will not cause undue risk to the child, the school or  
42 the community. No child shall be enrolled without having had at  
43 least one (1) dose of each specified vaccine.

44 (b) Within thirty (30) days after the opening of the  
45 fall term of school (on or before October 1 of each year) the  
46 person in charge of each school shall report to the county or



47 local health officer, on forms provided by the Mississippi State  
48 Board of Health, the number of children enrolled by age or grade  
49 or both, the number fully vaccinated, the number in process of  
50 completing vaccination requirements, and the number exempt from  
51 vaccination by reason for such exemption.

52 (c) Within one hundred twenty (120) days after the  
53 opening of the fall term (on or before December 31), the person in  
54 charge of each school shall certify to the local or county health  
55 officer that all children enrolled are in compliance with  
56 immunization requirements.

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

61 (b) It shall be the responsibility of the person in  
62 charge of each school to enforce the requirements for  
63 immunization. Any child not in compliance at the end of ninety  
64 (90) days from the opening of the fall term must be suspended  
65 until in compliance, unless the health officer shall attribute the  
66 delay to lack of supply of vaccine or some other such factor  
67 clearly making compliance impossible.

68 (6) No postsecondary educational institution, public or  
69 private, may require students or residents to provide any  
70 documentation certifying SARS-CoV-2 virus (COVID-19) or any  
71 variant of the SARS-CoV-2 virus (COVID-19) vaccination or



72 post-infection recovery, or any other vaccine for which the United  
73 States Food and Drug Administration has not granted full approval,  
74 as a conditional requirement for attendance or enrollment, or to  
75 gain access to, entry upon or service from postsecondary  
76 educational institutions in this state. This subsection does not  
77 otherwise restrict postsecondary educational institutions from  
78 instituting screening protocols consistent with authoritative or  
79 controlling government-issued guidance to protect public health.

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

83       **SECTION 2.** This act shall take effect and be in force from  
84 and after July 1, 2022.

