

By: Representative Owen

To: Public Health and Human Services

HOUSE BILL NO. 1458

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

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

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

12 41-23-37. (1) Whenever indicated, the State Health Officer
13 shall specify such immunization practices as may be considered
14 best for the control of vaccine preventable diseases. A listing
15 shall be promulgated annually or more often, if necessary.

16 (2) Except as provided hereinafter, it shall be unlawful for
17 any child to attend any school, kindergarten or similar type
18 facility intended for the instruction of children (hereinafter
19 called "schools"), either public or private, with the exception of
20 any legitimate home instruction program as defined in Section
21 37-13-91, * * * for ten (10) or less children who are related



22 within the third degree computed according to the civil law to the
23 operator, unless they shall first have been vaccinated against
24 those diseases specified by the State Health Officer.

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

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

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

43 (b) Within thirty (30) days after the opening of the
44 fall term of school (on or before October 1 of each year) the
45 person in charge of each school shall report to the county or
46 local health officer, on forms provided by the Mississippi State



47 Board of Health, the number of children enrolled by age or grade
48 or both, the number fully vaccinated, the number in process of
49 completing vaccination requirements, and the number exempt from
50 vaccination by reason for such exemption.

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

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

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

67 (6) No school may require students or residents to provide
68 any documentation certifying SARS-CoV-2 virus (COVID-19) or any
69 variant of the SARS-CoV-2 virus (COVID-19) vaccination or
70 post-infection recovery, or any other vaccine for which the United
71 States Food and Drug Administration has not granted full approval,



72 as a conditional requirement for attendance or enrollment, or to
73 gain access to, entry upon or service from schools in this state.
74 This subsection does not otherwise restrict schools from
75 instituting screening protocols consistent with authoritative or
76 controlling government-issued guidance to protect public health.

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

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

