

By: Representative Arnold

To: Public Health and Human Services

HOUSE BILL NO. 1462

1 AN ACT TO PROHIBIT A PUBLIC AGENCY FROM EXPENDING STATE FUNDS  
 2 FOR THE ADMINISTRATION OF MANDATORY COVID-19 VACCINATIONS; TO  
 3 SPECIFY CERTAIN EXPENDITURES INCLUDED IN THE PROHIBITION; TO  
 4 DEFINE THE TERM "PUBLIC AGENCY"; TO AMEND SECTION 33-15-11,  
 5 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE GOVERNOR FROM ISSUING AN  
 6 EXECUTIVE ORDER OR OTHERWISE ACTING IN CONTRAVENTION OF THIS ACT;  
 7 TO BRING FORWARD SECTIONS 41-23-43, 41-23-37 AND 41-88-3,  
 8 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND  
 9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) Notwithstanding any other provision of law  
 12 or any executive order by the Governor in effect on the effective  
 13 date of this act or subsequently enacted or issued, a public  
 14 agency, as defined in subsection (3) of this section, may not  
 15 expend state funds to require a person, against the person's  
 16 objection, to receive an immunization or vaccination against  
 17 Coronavirus Disease 2019 (COVID-19).

18 (2) The prohibition against expending state funds for the  
 19 purpose of requiring a person to receive an immunization or  
 20 vaccination against COVID-19 under this section includes, but is  
 21 not limited to, expenditures for the following:



22 (a) Costs of the vaccination and supplies and equipment  
23 necessary for the administration of the vaccination.

24 (b) Personnel and administrative costs, including wages  
25 for employees of the public agency responsible for administering  
26 the vaccination, maintaining related records, preparing and  
27 submitting necessary reports, and performing such other duties  
28 associated with the mandatory administration of the COVID-19  
29 vaccination.

30 (c) Costs related to the ownership or leasing by the  
31 public agency of the property housing that public agency.

32 (d) Any transportation costs that may be incurred in  
33 connection with the mandatory administration of the vaccination,  
34 including the administration of the vaccination at a site other  
35 than where the public agency is housed.

36 (3) For the purposes of this section, "public agency" means  
37 any executive or legislative agency or entity of the State of  
38 Mississippi or of any district, county or municipality in the  
39 state, including a school, hospital or health clinic, which is  
40 created by or operating under the laws of this state and which  
41 receives state funding to support, in whole or in part, its  
42 operations.

43 **SECTION 2.** Section 33-15-11, Mississippi Code of 1972, is  
44 amended as follows:

45 33-15-11. (a) The Governor shall have general direction and  
46 control of the activities of the Emergency Management Agency and



47 Council and shall be responsible for the carrying out of the  
48 provisions of this article, and in the event of a man-made,  
49 technological or natural disaster or emergency beyond local  
50 control, may assume direct operational control over all or any  
51 part of the emergency management functions within this state.

52 (b) In performing his duties under this article, the  
53 Governor is further authorized and empowered:

54 (1) To make, amend and rescind the necessary orders,  
55 rules and regulations to carry out the provisions of this article  
56 with due consideration of the plans of the federal government, and  
57 to enter into disaster assistance grants and agreements with the  
58 federal government under the terms as may be required by federal  
59 law.

60 (2) To work with the Mississippi Emergency Management  
61 Agency in preparing a comprehensive plan and program for the  
62 emergency management of this state, such plan and program to be  
63 integrated into and coordinated with the emergency management  
64 plans of the federal government and of other states to the fullest  
65 possible extent, and to coordinate the preparation of plans and  
66 programs for emergency management by the political subdivisions of  
67 this state, such local plans to be integrated into and coordinated  
68 with the emergency management plan and program of this state to  
69 the fullest possible extent.

70 (3) In accordance with such plan and program for  
71 emergency management of this state, to ascertain the requirements



72 of the state or the political subdivisions thereof for food or  
73 clothing or other necessities of life in the event of attack or  
74 natural or man-made or technological disasters and to plan for and  
75 procure supplies, medicines, materials and equipment, and to use  
76 and employ from time to time any of the property, services and  
77 resources within the state, for the purposes set forth in this  
78 article; to make surveys of the industries, resources and  
79 facilities within the state as are necessary to carry out the  
80 purposes of this article; to institute training programs and  
81 public information programs, and to take all other preparatory  
82 steps, including the partial or full mobilization of emergency  
83 management organizations in advance of actual disaster, to insure  
84 the furnishing of adequately trained and equipped forces of  
85 emergency management personnel in time of need.

86 (4) To cooperate with the President and the heads of  
87 the Armed Forces, and the Emergency Management Agency of the  
88 United States, and with the officers and agencies of other states  
89 in matters pertaining to the emergency management of the state and  
90 nation and the incidents thereof; and in connection therewith, to  
91 take any measures which he may deem proper to carry into effect  
92 any request of the President and the appropriate federal officers  
93 and agencies, for any action looking to emergency management,  
94 including the direction or control of (a) blackouts and practice  
95 blackouts, air raid drills, mobilization of emergency management  
96 forces, and other tests and exercises, (b) warnings and signals



97 for drills or attacks and the mechanical devices to be used in  
98 connection therewith, (c) the effective screening or extinguishing  
99 of all lights and lighting devices and appliances, (d) shutting  
100 off water mains, gas mains, electric power connections and the  
101 suspension of all other utility services, (e) the conduct of  
102 civilians and the movement and cessation of movement of  
103 pedestrians and vehicular traffic during, prior and subsequent to  
104 drills or attack, (f) public meetings or gatherings under  
105 emergency conditions, and (g) the evacuation and reception of the  
106 civilian population.

107 (5) To take such action and give such directions to  
108 state and local law enforcement officers and agencies as may be  
109 reasonable and necessary for the purpose of securing compliance  
110 with the provisions of this article and with the orders, rules and  
111 regulations made pursuant thereto.

112 (6) To employ such measures and give such directions to  
113 the state or local boards of health as may be reasonably necessary  
114 for the purpose of securing compliance with the provisions of this  
115 article or with the findings or recommendations of such boards of  
116 health by reason of conditions arising from enemy attack or the  
117 threat of enemy attack or natural, man-made or technological  
118 disaster.

119 (7) To utilize the services and facilities of existing  
120 officers and agencies of the state and of the political  
121 subdivisions thereof; and all such officers and agencies shall



122 cooperate with and extend their services and facilities to the  
123 Governor as he may request.

124 (8) To establish agencies and offices and to appoint  
125 executive, technical, clerical and other personnel as may be  
126 necessary to carry out the provisions of this article including,  
127 with due consideration to the recommendation of the local  
128 authorities, part-time or full-time state and regional area  
129 directors.

130 (9) To delegate any authority vested in him under this  
131 article, and to provide for the subdelegation of any such  
132 authority.

133 (10) On behalf of this state to enter into reciprocal  
134 aid agreements or compacts with other states and the federal  
135 government, either on a statewide basis or local political  
136 subdivision basis or with a neighboring state or province of a  
137 foreign country. Such mutual aid arrangements shall be limited to  
138 the furnishings or exchange of food, clothing, medicine and other  
139 supplies; engineering services; emergency housing; police  
140 services; national or state guards while under the control of the  
141 state; health, medical and related services; firefighting, rescue,  
142 transportation and construction services and equipment; personnel  
143 necessary to provide or conduct these services; and such other  
144 supplies, equipment, facilities, personnel and services as may be  
145 needed; the reimbursement of costs and expenses for equipment,  
146 supplies, personnel and similar items for mobile support units,



147 firefighting and police units and health units; and on such terms  
148 and conditions as are deemed necessary.

149 (11) To sponsor and develop mutual aid plans and  
150 agreements between the political subdivisions of the state,  
151 similar to the mutual aid arrangements with other states referred  
152 to above.

153 (12) To collect information and data for assessment of  
154 vulnerabilities and capabilities within the borders of Mississippi  
155 as it pertains to the nation and state's security and homeland  
156 defense. This information shall be exempt from the Mississippi  
157 Public Records Act, Section 25-61-1 et seq.

158 (13) Authorize any agency or arm of the state to create  
159 a special emergency management revolving fund, accept donations,  
160 contributions, fees, grants, including federal funds, as may be  
161 necessary for such agency or arm of the state to administer its  
162 functions of this article as set forth in the Executive Order of  
163 the Governor.

164 (14) To authorize the Commissioner of Public Safety to  
165 select, train, organize and equip a ready reserve of auxiliary  
166 highway patrolmen.

167 (15) To suspend or limit the sale, dispensing or  
168 transportation of alcoholic beverages, firearms, explosives and  
169 combustibles.

170 (16) To control, restrict and regulate by rationing,  
171 freezing, use of quotas, prohibitions on shipments, price-fixing,



172 allocation or other means, the use, sale or distribution of food,  
173 feed, fuel, clothing and other commodities, materials, goods or  
174 services.

175           (17) To proclaim a state of emergency in an area  
176 affected or likely to be affected thereby when he finds that the  
177 conditions described in Section 33-15-5(g) exist, or when he is  
178 requested to do so by the mayor of a municipality or by the  
179 president of the board of supervisors of a county, or when he  
180 finds that a local authority is unable to cope with the emergency.  
181 Such proclamation shall be in writing and shall take effect  
182 immediately upon its execution by the Governor. As soon  
183 thereafter as possible, such proclamation shall be filed with the  
184 Secretary of State and be given widespread notice and publicity.  
185 The Governor, upon advice of the director, shall review the need  
186 for continuing the state of emergency at least every thirty (30)  
187 days until the emergency is terminated and shall proclaim a  
188 reduction of area or the termination of the state of emergency at  
189 the earliest possible date that conditions warrant.

190           (18) To declare an emergency impact area when he finds  
191 that the conditions described in Section 33-15-5(o) exist. The  
192 proclamation shall be in writing and shall take effect immediately  
193 upon its execution by the Governor. As soon as possible, the  
194 proclamation shall be filed with the Secretary of State and be  
195 given widespread notice and publicity. The Governor shall review  
196 the need for continuing the declaration of emergency impact area





197 at least every thirty (30) days until the emergency is terminated,  
198 and shall proclaim the reduction of the emergency impact area or  
199 termination of the declaration of emergency impact area at the  
200 earliest date or dates possible.

201 (c) In addition to the powers conferred upon the Governor in  
202 this section, the Legislature hereby expressly delegates to the  
203 Governor the following powers and duties in the event of an  
204 impending enemy attack, an enemy attack, or a man-made,  
205 technological or natural disaster where such disaster is beyond  
206 local control:

207 (1) To suspend the provisions of any regulatory statute  
208 prescribing the procedures for conduct of state business, or the  
209 orders, rules or regulations of any state agency, if strict  
210 compliance with the provisions of any statute, order, rule or  
211 regulation would in any way prevent, hinder or delay necessary  
212 action in coping with a disaster or emergency.

213 (2) To transfer the direction, personnel or functions  
214 of state agencies, boards, commissions or units thereof for the  
215 purpose of performing or facilitating disaster or emergency  
216 services.

217 (3) To commandeer or utilize any private property if  
218 necessary to cope with a disaster or emergency, provided that such  
219 private property so commandeered or utilized shall be paid for  
220 under terms and conditions agreed upon by the participating  
221 parties. The owner of said property shall immediately be given a



222 receipt for the said private property and said receipt shall serve  
223 as a valid claim against the Treasury of the State of Mississippi  
224 for the agreed upon market value of said property.

225 (4) To perform and exercise such other functions,  
226 powers and duties as may be necessary to promote and secure the  
227 safety and protection of the civilian population in coping with a  
228 disaster or emergency.

229 (d) This section does not authorize the Governor or a  
230 designee of the Governor to act in contravention of Section  
231 33-7-303 or Section 1 of House Bill No. 1462, 2022 Regular  
232 Session.

233 **SECTION 3.** Section 41-23-43, Mississippi Code of 1972, is  
234 brought forward as follows:

235 41-23-43. (1) As used in this section:

236 (a) "Department" means the Mississippi State Department  
237 of Health, Bioterrorism Division;

238 (b) "Director" means the Executive Director of the  
239 State Board of Health;

240 (c) "Bioterrorism" means the intentional use of any  
241 microorganism, virus, infectious substance or biological product  
242 that may be engineered as a result of biotechnology or any  
243 naturally occurring or bioengineered component of any  
244 microorganism, virus, infectious substance or biological product,  
245 to cause or attempt to cause death, disease or other biological  
246 malfunction in any living organism;



247 (d) "Disaster locations" means any geographical  
248 location where a bioterrorism attack, terrorist attack,  
249 catastrophic or natural disaster or emergency occurs;

250 (e) "First responders" means state and local law  
251 enforcement personnel, fire department personnel, emergency  
252 medical personnel, emergency management personnel and public works  
253 personnel who may be deployed to bioterrorism attacks, terrorist  
254 attacks, catastrophic or natural disasters and emergencies.

255 (2) The department shall offer a vaccination program for  
256 first responders who may be exposed to infectious diseases when  
257 deployed to disaster locations. The vaccinations shall include,  
258 but are not limited to, hepatitis A vaccination, hepatitis B  
259 vaccination, diphtheria-tetanus vaccination, influenza  
260 vaccination, pneumococcal vaccination and other vaccinations when  
261 recommended by the United States Public Health Service and in  
262 accordance with Federal Emergency Management Directors Policy.  
263 Immune globulin will be made available when necessary.

264 (3) Participation in the vaccination program shall be  
265 voluntary by the first responders, except for first responders who  
266 are classified as having "occupational exposure" to blood borne  
267 pathogens as defined by the Occupational Safety and Health  
268 Administration Standard contained at 29 CFR 1910.10300 who shall  
269 be required to take the designated vaccinations or otherwise  
270 required by law.



271 (4) A first responder shall be exempt from vaccinations when  
272 a written statement from a licensed physician is presented  
273 indicating that a vaccine is medically contraindicated for that  
274 person or the first responder signs a written statement that the  
275 administration of a vaccination conflicts with their religious  
276 tenets.

277 (5) If there is a vaccine shortage, the director, in  
278 consultation with the Governor and the Centers for Disease Control  
279 and Prevention, shall give priority for vaccination to first  
280 responders.

281 (6) The department shall notify first responders to the  
282 availability of the vaccination program and shall provide  
283 educational materials on ways to prevent exposure to infectious  
284 diseases.

285 (7) The department may contract with county and local health  
286 departments, not-for-profit home health care agencies, hospitals  
287 and physicians to administer a vaccination program for first  
288 responders.

289 (8) This section shall be effective upon receipt of federal  
290 funding and/or federal grants for administering a first responders  
291 vaccination program. Upon receipt of that funding, the department  
292 shall make available the vaccines to first responders as provided  
293 in this section.

294 **SECTION 4.** Section 41-23-37, Mississippi Code of 1972, is  
295 brought forward as follows:



296 41-23-37. Whenever indicated, the State Health Officer shall  
297 specify such immunization practices as may be considered best for  
298 the control of vaccine preventable diseases. A listing shall be  
299 promulgated annually or more often, if necessary.

300 Except as provided hereinafter, it shall be unlawful for any  
301 child to attend any school, kindergarten or similar type facility  
302 intended for the instruction of children (hereinafter called  
303 "schools"), either public or private, with the exception of any  
304 legitimate home instruction program as defined in Section  
305 37-13-91, Mississippi Code of 1972, for ten (10) or less children  
306 who are related within the third degree computed according to the  
307 civil law to the operator, unless they shall first have been  
308 vaccinated against those diseases specified by the State Health  
309 Officer.

310 A certificate of exemption from vaccination for medical  
311 reasons may be offered on behalf of a child by a duly licensed  
312 physician and may be accepted by the local health officer when, in  
313 his opinion, such exemption will not cause undue risk to the  
314 community.

315 Certificates of vaccination shall be issued by local health  
316 officers or physicians on forms specified by the Mississippi State  
317 Board of Health. These forms shall be the only acceptable means  
318 for showing compliance with these immunization requirements, and  
319 the responsible school officials shall file the form with the  
320 child's record.



321           If a child shall offer to enroll at a school without having  
322 completed the required vaccinations, the local health officer may  
323 grant a period of time up to ninety (90) days for such completion  
324 when, in the opinion of the health officer, such delay will not  
325 cause undue risk to the child, the school or the community. No  
326 child shall be enrolled without having had at least one (1) dose  
327 of each specified vaccine.

328           Within thirty (30) days after the opening of the fall term of  
329 school (on or before October 1 of each year) the person in charge  
330 of each school shall report to the county or local health officer,  
331 on forms provided by the Mississippi State Board of Health, the  
332 number of children enrolled by age or grade or both, the number  
333 fully vaccinated, the number in process of completing vaccination  
334 requirements, and the number exempt from vaccination by reason for  
335 such exemption.

336           Within one hundred twenty (120) days after the opening of the  
337 fall term (on or before December 31), the person in charge of each  
338 school shall certify to the local or county health officer that  
339 all children enrolled are in compliance with immunization  
340 requirements.

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



345           It shall be the responsibility of the person in charge of  
346 each school to enforce the requirements for immunization. Any  
347 child not in compliance at the end of ninety (90) days from the  
348 opening of the fall term must be suspended until in compliance,  
349 unless the health officer shall attribute the delay to lack of  
350 supply of vaccine or some other such factor clearly making  
351 compliance impossible.

352           Failure to enforce provisions of this section shall  
353 constitute a misdemeanor and upon conviction be punishable by fine  
354 or imprisonment or both.

355           **SECTION 5.** Section 41-88-3, Mississippi Code of 1972, is  
356 brought forward as follows:

357           41-88-3. (1) The State Department of Health is responsible  
358 for assuring that all children in the state are appropriately  
359 immunized against vaccine-preventable diseases. In order to  
360 improve the state's immunization levels in children, the State  
361 Department of Health shall enhance current immunization activities  
362 and focus on children receiving all recommended immunizations by  
363 twenty-four (24) months of age. The immunizations shall be  
364 administered according to the recommendations of the national  
365 Advisory Committee on Immunization Practices (ACIP). The  
366 administration of vaccine shall not be delayed due to a reluctance  
367 of the health care provider to administer multiple immunizations  
368 in a visit. The department shall improve parent compliance and



369 provide more timely scheduling, recall and follow-up in order to  
370 achieve national and state immunization level goals.

371 (2) The State Department of Health shall establish a  
372 statewide childhood immunization registry to which all health care  
373 providers will report the administration of childhood  
374 immunizations. The State Board of Health will promulgate rules  
375 and regulations needed to implement this section. The department  
376 shall make information regarding the immunization status of  
377 children in the registry available to the parents/guardians of the  
378 child, health care providers and individuals or organizations that  
379 are required to report on the immunizations status of children in  
380 their care.

381 **SECTION 6.** This act shall take effect and be in force from  
382 and after its passage.

