

By: Representative Arnold

To: Public Health and Human
Services

HOUSE BILL NO. 1463

1 AN ACT TO PROHIBIT STATE AND LOCAL GOVERNMENTAL ENTITIES AND
2 PUBLIC OFFICIALS FROM REQUIRING ANY PERSON TO BE VACCINATED
3 AGAINST COVID-19; TO PROHIBIT GOVERNMENTAL ENTITIES AND PUBLIC
4 OFFICIALS FROM TREATING PERSONS WHO ARE NOT VACCINATED AGAINST
5 COVID-19 DIFFERENTLY FROM THOSE WHO ARE OR FROM REFUSING SERVICES
6 OR GOODS BASED ON A PERSON'S COVID-19 VACCINATION STATUS; TO AMEND
7 SECTION 41-23-37, MISSISSIPPI CODE OF 1972, TO PROHIBIT MANDATORY
8 VACCINATION AGAINST COVID-19 AS A REQUIREMENT FOR A CHILD'S
9 ADMISSION TO OR CONTINUED ENROLLMENT IN A PUBLIC OR PRIVATE
10 SCHOOL; TO AMEND SECTION 41-23-43, MISSISSIPPI CODE OF 1972, TO
11 PROHIBIT MANDATORY COVID-19 VACCINATION FOR FIRST RESPONDERS; TO
12 AMEND SECTION 41-88-3, MISSISSIPPI CODE OF 1972, TO PROHIBIT A
13 REQUIREMENT THAT CHILDREN BE VACCINATED AGAINST COVID-19 AS PART
14 OF THE CHILD VACCINATION PROGRAM ADMINISTERED BY THE STATE
15 DEPARTMENT OF HEALTH; TO AMEND SECTION 33-15-11, MISSISSIPPI CODE
16 OF 1972, TO PROHIBIT THE GOVERNOR FROM ISSUING AN EXECUTIVE ORDER
17 OR OTHERWISE ACTING IN CONTRAVENTION OF THIS ACT; AND FOR RELATED
18 PURPOSES.

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

20 **SECTION 1.** (1) Notwithstanding any other provision of law,
21 including during the continuance of any COVID-19 state of
22 emergency, a governmental entity or public official may not adopt,
23 implement or enforce any law, rule, regulation, ordinance,
24 proclamation, resolution, order or other instrument imposing a
25 mandate, either directly or indirectly, which requires an
26 individual to be vaccinated against COVID-19.



27 (2) (a) Except as provided in paragraph (b) of this
28 subsection, an adult individual may not be required for any reason
29 to be vaccinated against COVID-19 unless the individual chooses to
30 be vaccinated against COVID-19.

31 (b) An adult individual who is incapacitated may not be
32 required for any reason to be vaccinated against COVID-19 unless
33 the legal guardian of the incapacitated adult chooses to have the
34 incapacitated adult vaccinated against COVID-19.

35 (c) A minor under eighteen (18) years of age may not be
36 required for any reason to be vaccinated against COVID-19 unless
37 the minor's parent or legal guardian chooses to have the minor
38 vaccinated against COVID-19.

39 (3) A governmental entity or public official may not:

40 (a) Require an individual who has not been vaccinated
41 against COVID-19 to engage in or refrain from engaging in
42 activities or precautions that differ from the activities or
43 precautions of an individual who has been vaccinated against
44 COVID-19;

45 (b) Refuse, withhold from, or deny a person local or
46 state services, goods, facilities, privileges, licensing,
47 educational opportunities, health care access or employment
48 opportunities based on the person's COVID-19 vaccination status;
49 or



50 (c) Discriminate against an employee in compensation or
51 in a term, condition or privilege of employment based on the
52 person's COVID-19 vaccination status.

53 (4) For purposes of this section:

54 (a) "COVID-19" means the novel coronavirus identified
55 as SARS-CoV-2, the disease, health condition or threat caused by
56 the novel coronavirus SARS-CoV-2, or a virus mutating therefrom,
57 and conditions associated with the disease.

58 (b) "COVID-19 state of emergency" means:

59 (i) A public health emergency related to COVID-19
60 declared by the United States Secretary of Health and Human
61 Services under Section 319 of the Public Health Service Act (42
62 USC Section 247d);

63 (ii) A Presidential declaration of emergency
64 related to COVID-19 under the National Emergencies Act or the
65 Stafford Act; or

66 (iii) A state of emergency related to COVID-19
67 proclaimed by the Governor of the State of Mississippi under
68 Section 33-15-11(b)(17).

69 (c) "Governmental entity" means any branch, board,
70 commission, department, office, agency or other instrumentality of
71 state government or of a county, municipality, school district,
72 community college district or any other political subdivision of
73 this state.

74 (d) "Public official" means:



75 (i) Any elected official of the State of
76 Mississippi or any political subdivision of the state or any other
77 body politic within the State of Mississippi; or

78 (ii) Any member, officer, director, commissioner,
79 supervisor, chief, head, agent or employee of the State of
80 Mississippi, or any agency of the state, of any political
81 subdivision of the State of Mississippi, of any body politic
82 within the State of Mississippi, or of any other governmental
83 entity created by or under the laws of the State of Mississippi or
84 by executive order of the Governor of the state, any of which is
85 funded by public funds or which expends, authorizes or recommends
86 the use of public funds.

87 **SECTION 2.** Section 41-23-37, Mississippi Code of 1972, is
88 amended as follows:

89 41-23-37. (1) Whenever indicated, the State Health Officer
90 shall specify such immunization practices as may be considered
91 best for the control of vaccine preventable diseases. A listing
92 shall be promulgated annually or more often, if necessary.

93 (2) (a) Except as otherwise provided * * * in this section,
94 it shall be unlawful for any child to attend any school,
95 kindergarten or similar type facility intended for the instruction
96 of children (hereinafter called "schools"), either public or
97 private, with the exception of any legitimate home instruction
98 program as defined in Section 37-13-91, * * * for ten (10) or less
99 children who are related within the third degree computed



100 according to the civil law to the operator, unless they shall
101 first have been vaccinated against those diseases specified by the
102 State Health Officer.

103 (b) Notwithstanding any inclusion of vaccination
104 against COVID-19 on the listing promulgated by the State Health
105 Officer pursuant to subsection (1) of this section, a child may
106 not be required to be vaccinated against COVID-19 as a condition
107 of the child's admission to or continued enrollment in a school.
108 A school may not be held liable for a claim arising from exposure
109 to COVID-19 on the basis that the school failed to require a
110 student to receive a COVID-19 vaccination.

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

116 (4) Certificates of vaccination shall be issued by local
117 health officers or physicians on forms specified by the
118 Mississippi State Board of Health. These forms shall be the only
119 acceptable means for showing compliance with these immunization
120 requirements, and the responsible school officials shall file the
121 form with the child's record.

122 (5) If a child shall offer to enroll at a school without
123 having completed the required vaccinations, the local health
124 officer may grant a period of time up to ninety (90) days for such



125 completion when, in the opinion of the health officer, such delay
126 will not cause undue risk to the child, the school or the
127 community. No child shall be enrolled without having had at least
128 one (1) dose of each specified vaccine.

129 (6) (a) Within thirty (30) days after the opening of the
130 fall term of school (on or before October 1 of each year) the
131 person in charge of each school shall report to the county or
132 local health officer, on forms provided by the Mississippi State
133 Board of Health, the number of children enrolled by age or grade
134 or both, the number fully vaccinated, the number in process of
135 completing vaccination requirements, and the number exempt from
136 vaccination by reason for such exemption.

137 (b) Within one hundred twenty (120) days after the
138 opening of the fall term (on or before December 31), the person in
139 charge of each school shall certify to the local or county health
140 officer that all children enrolled are in compliance with
141 immunization requirements.

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

146 (8) (a) It shall be the responsibility of the person in
147 charge of each school to enforce the requirements for
148 immunization. Any child not in compliance at the end of ninety
149 (90) days from the opening of the fall term must be suspended



150 until in compliance, unless the health officer shall attribute the
151 delay to lack of supply of vaccine or some other such factor
152 clearly making compliance impossible.

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

156 **SECTION 3.** Section 41-23-43, Mississippi Code of 1972, is
157 amended as follows:

158 41-23-43. (1) As used in this section:

159 (a) "Department" means the Mississippi State Department
160 of Health, Bioterrorism Division;

161 (b) "Director" means the Executive Director of the
162 State Board of Health;

163 (c) "Bioterrorism" means the intentional use of any
164 microorganism, virus, infectious substance or biological product
165 that may be engineered as a result of biotechnology or any
166 naturally occurring or bioengineered component of any
167 microorganism, virus, infectious substance or biological product,
168 to cause or attempt to cause death, disease or other biological
169 malfunction in any living organism;

170 (d) "Disaster locations" means any geographical
171 location where a bioterrorism attack, terrorist attack,
172 catastrophic or natural disaster or emergency occurs;

173 (e) "First responders" means state and local law
174 enforcement personnel, fire department personnel, emergency



175 medical personnel, emergency management personnel and public works
176 personnel who may be deployed to bioterrorism attacks, terrorist
177 attacks, catastrophic or natural disasters and emergencies.

178 (2) The department shall offer a vaccination program for
179 first responders who may be exposed to infectious diseases when
180 deployed to disaster locations. The vaccinations shall include,
181 but are not limited to, hepatitis A vaccination, hepatitis B
182 vaccination, diphtheria-tetanus vaccination, influenza
183 vaccination, pneumococcal vaccination and other vaccinations when
184 recommended by the United States Public Health Service and in
185 accordance with Federal Emergency Management Directors Policy.
186 Immune globulin will be made available when necessary.

187 (3) Participation in the vaccination program shall be
188 voluntary by the first responders, except for first responders who
189 are classified as having "occupational exposure" to blood borne
190 pathogens as defined by the Occupational Safety and Health
191 Administration Standard contained at 29 CFR 1910.10300, who shall
192 be required to take the designated vaccinations or otherwise
193 required by law. A first responder may not be required to be
194 vaccinated against COVID-19, notwithstanding any law, rule,
195 regulation, ordinance, proclamation, resolution, order or other
196 governmental instrument to the contrary.

197 (4) A first responder shall be exempt from vaccinations when
198 a written statement from a licensed physician is presented
199 indicating that a vaccine is medically contraindicated for that



200 person or the first responder signs a written statement that the
201 administration of a vaccination conflicts with their religious
202 tenets.

203 (5) If there is a vaccine shortage, the director, in
204 consultation with the Governor and the Centers for Disease Control
205 and Prevention, shall give priority for vaccination to first
206 responders.

207 (6) The department shall notify first responders to the
208 availability of the vaccination program and shall provide
209 educational materials on ways to prevent exposure to infectious
210 diseases.

211 (7) The department may contract with county and local health
212 departments, not-for-profit home health care agencies, hospitals
213 and physicians to administer a vaccination program for first
214 responders.

215 (8) This section shall be effective upon receipt of federal
216 funding and/or federal grants for administering a first responders
217 vaccination program. Upon receipt of that funding, the department
218 shall make available the vaccines to first responders as provided
219 in this section.

220 **SECTION 4.** Section 41-88-3, Mississippi Code of 1972, is
221 amended as follows:

222 41-88-3. (1) The State Department of Health is responsible
223 for assuring that all children in the state are appropriately
224 immunized against vaccine-preventable diseases. In order to



225 improve the state's immunization levels in children, the State
226 Department of Health shall enhance current immunization activities
227 and focus on children receiving all recommended immunizations by
228 twenty-four (24) months of age. The immunizations shall be
229 administered according to the recommendations of the national
230 Advisory Committee on Immunization Practices (ACIP); however,
231 notwithstanding the ACIP recommendations or any law, rule,
232 regulation, ordinance, proclamation, resolution, order or other
233 governmental instrument to the contrary, a child may not be
234 required to be vaccinated against COVID-19. The administration of
235 vaccine shall not be delayed due to a reluctance of the health
236 care provider to administer multiple immunizations in a visit.
237 The department shall improve parent compliance and provide more
238 timely scheduling, recall and follow-up in order to achieve
239 national and state immunization level goals.

240 (2) The State Department of Health shall establish a
241 statewide childhood immunization registry to which all health care
242 providers will report the administration of childhood
243 immunizations. The State Board of Health will promulgate rules
244 and regulations needed to implement this section. The department
245 shall make information regarding the immunization status of
246 children in the registry available to the parents/guardians of the
247 child, health care providers and individuals or organizations that
248 are required to report on the immunizations status of children in
249 their care.



250 **SECTION 5.** Section 33-15-11, Mississippi Code of 1972, is
251 amended as follows:

252 33-15-11. (a) The Governor shall have general direction and
253 control of the activities of the Emergency Management Agency and
254 Council and shall be responsible for the carrying out of the
255 provisions of this article, and in the event of a man-made,
256 technological or natural disaster or emergency beyond local
257 control, may assume direct operational control over all or any
258 part of the emergency management functions within this state.

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

261 (1) To make, amend and rescind the necessary orders,
262 rules and regulations to carry out the provisions of this article
263 with due consideration of the plans of the federal government, and
264 to enter into disaster assistance grants and agreements with the
265 federal government under the terms as may be required by federal
266 law.

267 (2) To work with the Mississippi Emergency Management
268 Agency in preparing a comprehensive plan and program for the
269 emergency management of this state, such plan and program to be
270 integrated into and coordinated with the emergency management
271 plans of the federal government and of other states to the fullest
272 possible extent, and to coordinate the preparation of plans and
273 programs for emergency management by the political subdivisions of
274 this state, such local plans to be integrated into and coordinated



275 with the emergency management plan and program of this state to
276 the fullest possible extent.

277 (3) In accordance with such plan and program for
278 emergency management of this state, to ascertain the requirements
279 of the state or the political subdivisions thereof for food or
280 clothing or other necessities of life in the event of attack or
281 natural or man-made or technological disasters and to plan for and
282 procure supplies, medicines, materials and equipment, and to use
283 and employ from time to time any of the property, services and
284 resources within the state, for the purposes set forth in this
285 article; to make surveys of the industries, resources and
286 facilities within the state as are necessary to carry out the
287 purposes of this article; to institute training programs and
288 public information programs, and to take all other preparatory
289 steps, including the partial or full mobilization of emergency
290 management organizations in advance of actual disaster, to insure
291 the furnishing of adequately trained and equipped forces of
292 emergency management personnel in time of need.

293 (4) To cooperate with the President and the heads of
294 the Armed Forces, and the Emergency Management Agency of the
295 United States, and with the officers and agencies of other states
296 in matters pertaining to the emergency management of the state and
297 nation and the incidents thereof; and in connection therewith, to
298 take any measures which he may deem proper to carry into effect
299 any request of the President and the appropriate federal officers



300 and agencies, for any action looking to emergency management,
301 including the direction or control of (a) blackouts and practice
302 blackouts, air raid drills, mobilization of emergency management
303 forces, and other tests and exercises, (b) warnings and signals
304 for drills or attacks and the mechanical devices to be used in
305 connection therewith, (c) the effective screening or extinguishing
306 of all lights and lighting devices and appliances, (d) shutting
307 off water mains, gas mains, electric power connections and the
308 suspension of all other utility services, (e) the conduct of
309 civilians and the movement and cessation of movement of
310 pedestrians and vehicular traffic during, prior and subsequent to
311 drills or attack, (f) public meetings or gatherings under
312 emergency conditions, and (g) the evacuation and reception of the
313 civilian population.

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

319 (6) To employ such measures and give such directions to
320 the state or local boards of health as may be reasonably necessary
321 for the purpose of securing compliance with the provisions of this
322 article or with the findings or recommendations of such boards of
323 health by reason of conditions arising from enemy attack or the



324 threat of enemy attack or natural, man-made or technological
325 disaster.

326 (7) To utilize the services and facilities of existing
327 officers and agencies of the state and of the political
328 subdivisions thereof; and all such officers and agencies shall
329 cooperate with and extend their services and facilities to the
330 Governor as he may request.

331 (8) To establish agencies and offices and to appoint
332 executive, technical, clerical and other personnel as may be
333 necessary to carry out the provisions of this article including,
334 with due consideration to the recommendation of the local
335 authorities, part-time or full-time state and regional area
336 directors.

337 (9) To delegate any authority vested in him under this
338 article, and to provide for the subdelegation of any such
339 authority.

340 (10) On behalf of this state to enter into reciprocal
341 aid agreements or compacts with other states and the federal
342 government, either on a statewide basis or local political
343 subdivision basis or with a neighboring state or province of a
344 foreign country. Such mutual aid arrangements shall be limited to
345 the furnishings or exchange of food, clothing, medicine and other
346 supplies; engineering services; emergency housing; police
347 services; national or state guards while under the control of the
348 state; health, medical and related services; firefighting, rescue,



349 transportation and construction services and equipment; personnel
350 necessary to provide or conduct these services; and such other
351 supplies, equipment, facilities, personnel and services as may be
352 needed; the reimbursement of costs and expenses for equipment,
353 supplies, personnel and similar items for mobile support units,
354 firefighting and police units and health units; and on such terms
355 and conditions as are deemed necessary.

356 (11) To sponsor and develop mutual aid plans and
357 agreements between the political subdivisions of the state,
358 similar to the mutual aid arrangements with other states referred
359 to above.

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

365 (13) Authorize any agency or arm of the state to create
366 a special emergency management revolving fund, accept donations,
367 contributions, fees, grants, including federal funds, as may be
368 necessary for such agency or arm of the state to administer its
369 functions of this article as set forth in the Executive Order of
370 the Governor.

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



374 (15) To suspend or limit the sale, dispensing or
375 transportation of alcoholic beverages, firearms, explosives and
376 combustibles.

377 (16) To control, restrict and regulate by rationing,
378 freezing, use of quotas, prohibitions on shipments, price-fixing,
379 allocation or other means, the use, sale or distribution of food,
380 feed, fuel, clothing and other commodities, materials, goods or
381 services.

382 (17) To proclaim a state of emergency in an area
383 affected or likely to be affected thereby when he finds that the
384 conditions described in Section 33-15-5(g) exist, or when he is
385 requested to do so by the mayor of a municipality or by the
386 president of the board of supervisors of a county, or when he
387 finds that a local authority is unable to cope with the emergency.
388 Such proclamation shall be in writing and shall take effect
389 immediately upon its execution by the Governor. As soon
390 thereafter as possible, such proclamation shall be filed with the
391 Secretary of State and be given widespread notice and publicity.
392 The Governor, upon advice of the director, shall review the need
393 for continuing the state of emergency at least every thirty (30)
394 days until the emergency is terminated and shall proclaim a
395 reduction of area or the termination of the state of emergency at
396 the earliest possible date that conditions warrant.

397 (18) To declare an emergency impact area when he finds
398 that the conditions described in Section 33-15-5(o) exist. The



399 proclamation shall be in writing and shall take effect immediately
400 upon its execution by the Governor. As soon as possible, the
401 proclamation shall be filed with the Secretary of State and be
402 given widespread notice and publicity. The Governor shall review
403 the need for continuing the declaration of emergency impact area
404 at least every thirty (30) days until the emergency is terminated,
405 and shall proclaim the reduction of the emergency impact area or
406 termination of the declaration of emergency impact area at the
407 earliest date or dates possible.

408 (c) In addition to the powers conferred upon the Governor in
409 this section, the Legislature hereby expressly delegates to the
410 Governor the following powers and duties in the event of an
411 impending enemy attack, an enemy attack, or a man-made,
412 technological or natural disaster where such disaster is beyond
413 local control:

414 (1) To suspend the provisions of any regulatory statute
415 prescribing the procedures for conduct of state business, or the
416 orders, rules or regulations of any state agency, if strict
417 compliance with the provisions of any statute, order, rule or
418 regulation would in any way prevent, hinder or delay necessary
419 action in coping with a disaster or emergency.

420 (2) To transfer the direction, personnel or functions
421 of state agencies, boards, commissions or units thereof for the
422 purpose of performing or facilitating disaster or emergency
423 services.



424 (3) To commandeer or utilize any private property if
425 necessary to cope with a disaster or emergency, provided that such
426 private property so commandeered or utilized shall be paid for
427 under terms and conditions agreed upon by the participating
428 parties. The owner of said property shall immediately be given a
429 receipt for the said private property and said receipt shall serve
430 as a valid claim against the Treasury of the State of Mississippi
431 for the agreed upon market value of said property.

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

436 (d) This section does not authorize the Governor or a
437 designee of the Governor to act in contravention of Section
438 33-7-303 or Section 1 of House Bill No. 1463, 2022 Regular
439 Session.

440 **SECTION 6.** This act shall take effect and be in force from
441 and after July 1, 2022.

