

By: Senator(s) Tate, McLendon, McCaughn, Hill, Branning, Seymour, DeBar, Younger, Blackwell, Moran, Whaley, Caughman, Williams, Suber, Chassaniol, Fillingane, Carter, Wiggins

To: Public Health and Welfare

SENATE BILL NO. 2726

1 AN ACT TO CREATE NEW SECTION 41-23-36, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT ANY GOVERNMENTAL ENTITY THAT RECEIVES STATE
3 FUNDING SHALL NOT REQUIRE THAT AN INDIVIDUAL RECEIVE A COVID
4 VACCINE NOR DENY AN INDIVIDUAL ANY SERVICE BASED ON THAT
5 INDIVIDUAL'S VACCINATION STATUS OR POSSESSION OF AN IMMUNITY
6 PASSPORT; TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972, TO
7 CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section
10 41-23-36, Mississippi Code of 1972:

11 41-23-36. (1) For purposes of this act, unless the context
12 requires otherwise, the following terms shall have the meanings
13 ascribed herein:

14 (a) "Immunity passport" means a document, digital
15 record or software application indicating that a person is immune
16 to a disease, either through vaccination or infection and
17 recovery.

18 (b) "COVID Vaccine" means the vaccine intended to
19 provide acquired immunity against coronavirus 2 (SARS-COV-2) or



20 any virus associated with or mutated from the virus that caused
21 the coronavirus disease 2019 (COVID-19).

22 (c) "Vaccination status" means an indication of whether
23 a person has received one or more doses of a vaccine.

24 (2) Any governmental entity that receives state funding,
25 including, but not limited to, schools, universities, government
26 agencies, state departments, clinics or hospitals, shall not:

27 (a) Require that an individual receive the COVID
28 vaccine; and

29 (b) Deny to an individual any local or state services,
30 goods, facilities, advantages, privileges, licensing, educational
31 opportunities, health care access or employment opportunities
32 based on the individual's vaccination status or whether the
33 individual has an immunity passport.

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

36 41-23-37. Whenever indicated, the State Health Officer shall
37 specify such immunization practices as may be considered best for
38 the control of vaccine preventable diseases. A listing shall be
39 promulgated annually or more often, if necessary.

40 Except as provided in Section 41-23-36 and hereinafter, it
41 shall be unlawful for any child to attend any school, kindergarten
42 or similar type facility intended for the instruction of children
43 (hereinafter called "schools"), either public or private, with the
44 exception of any legitimate home instruction program as defined in



45 Section 37-13-91, Mississippi Code of 1972, for ten (10) or less
46 children who are related within the third degree computed
47 according to the civil law to the operator, unless they shall
48 first have been vaccinated against those diseases specified by the
49 State Health Officer.

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

55 Certificates of vaccination shall be issued by local health
56 officers or physicians on forms specified by the Mississippi State
57 Board of Health. These forms shall be the only acceptable means
58 for showing compliance with these immunization requirements, and
59 the responsible school officials shall file the form with the
60 child's record.

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

68 Within thirty (30) days after the opening of the fall term of
69 school (on or before October 1 of each year) the person in charge



70 of each school shall report to the county or local health officer,
71 on forms provided by the Mississippi State Board of Health, the
72 number of children enrolled by age or grade or both, the number
73 fully vaccinated, the number in process of completing vaccination
74 requirements, and the number exempt from vaccination by reason for
75 such exemption.

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

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

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

92 Failure to enforce provisions of this section shall
93 constitute a misdemeanor and upon conviction be punishable by fine
94 or imprisonment or both.



95 **SECTION 3.** This act shall take effect and be in force from
96 and after July 1, 2022.

