

By: Representative Owen

To: Education

HOUSE BILL NO. 1488

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE AN EXEMPTION TO IMMUNIZATION AND VACCINATION OF  
3 PREVENTABLE DISEASE REQUIREMENTS FOR CHILDREN'S SCHOOL ATTENDANCE  
4 BASED UPON RELIGIOUS TENETS AND PRACTICES; AND FOR RELATED  
5 PURPOSES.

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

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

9 41-23-37. (1) Whenever indicated, the State Health Officer  
10 shall specify such immunization practices as may be considered  
11 best for the control of vaccine preventable diseases. A listing  
12 shall be promulgated annually or more often, if necessary.

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



20 operator, unless they shall first have been vaccinated against  
21 those diseases specified by the State Health Officer.

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

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

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

40 (b) Within thirty (30) days after the opening of the  
41 fall term of school (on or before October 1 of each year) the  
42 person in charge of each school shall report to the county or  
43 local health officer, on forms provided by the Mississippi State  
44 Board of Health, the number of children enrolled by age or grade



45 or both, the number fully vaccinated, the number in process of  
46 completing vaccination requirements, and the number exempt from  
47 vaccination by reason for such exemption.

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

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

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

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

67 (8) The provisions of this section shall not apply if the  
68 parent of a child objects in writing that the administration of



69 immunizing agents conflicts with his or her religious tenets or  
70 practices.

71           **SECTION 2.** This act shall take effect and be in force from  
72 and after July 1, 2023.

