

By: Senator(s) Sojourner

To: Judiciary, Division A

SENATE BILL NO. 2805

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT EMPLOYERS ARE PROHIBITED FROM TAKING ANY ADVERSE
3 EMPLOYMENT ACTION AGAINST AN INDIVIDUAL WHO DECLINES TO RECEIVE A
4 COVID-19 VACCINATION DUE TO RELIGIOUS BELIEF; 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. Whenever indicated, the State Health Officer shall
10 specify such immunization practices as may be considered best for
11 the control of vaccine preventable diseases. A listing shall be
12 promulgated annually or more often, if necessary.

13 Except as provided hereinafter, it shall be unlawful for any
14 child to attend any school, kindergarten or similar type facility
15 intended for the instruction of children (hereinafter called
16 "schools"), either public or private, with the exception of any
17 legitimate home instruction program as defined in Section
18 37-13-91, Mississippi Code of 1972, for ten (10) or less children
19 who are related within the third degree computed according to the



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

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

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

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

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



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

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

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

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

65 Employers are prohibited from taking any adverse employment
66 action against an individual who declines to receive a COVID-19
67 vaccination based on religious belief, including, but not limited
68 to, termination, suspension, involuntary reassignment, unpaid
69 leave, demotion, harassment or coercion. If an employer violates



70 the provisions of this paragraph, an aggrieved employee shall have
71 the right to apply for and receive unemployment benefits and to
72 bring a cause of action against the employer for damages in a
73 court of competent jurisdiction.

74 Failure to enforce provisions of this section shall
75 constitute a misdemeanor and upon conviction be punishable by fine
76 or imprisonment or both.

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

