

By: Representative Crawford

To: Public Health and Human
Services

HOUSE BILL NO. 1571

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A CHILD WILL BE EXEMPT FROM THE REQUIREMENT TO
3 HAVE ANY SPECIFIC VACCINATION IN ORDER TO ATTEND A SCHOOL OR
4 POSTSECONDARY EDUCATIONAL INSTITUTION IF THE CHILD'S PARENT OR
5 GUARDIAN SUBMITS TO THE SCHOOL OR POSTSECONDARY EDUCATIONAL
6 INSTITUTION A LETTER OR AFFIDAVIT THAT DOCUMENTS WHICH REQUIRED
7 VACCINATIONS HAVE BEEN GIVEN, AND WHICH VACCINATIONS HAVE NOT BEEN
8 GIVEN ON THE BASIS THAT THEY ARE CONTRARY TO HIS OR HER RELIGIOUS,
9 PHILOSOPHICAL OR CONSCIENTIOUS BELIEFS; TO PRESCRIBE THE CONTENT
10 TO BE INCLUDED IN THE LETTER OR AFFIDAVIT SUBMITTED TO THE SCHOOL
11 DISTRICT, SCHOOL OR POSTSECONDARY EDUCATIONAL INSTITUTION OF
12 ENROLLMENT; TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO
13 AUTHORIZE EXEMPTIONS FROM THE IMMUNIZATION REQUIREMENTS LICENSED
14 CHILD CARE FACILITIES WHEN A PARENT OR LEGAL GUARDIAN OBJECTS TO
15 IMMUNIZATION OF THE CHILD ON THE GROUNDS THAT THE IMMUNIZATION
16 CONFLICTS WITH THE RELIGIOUS, PHILOSOPHICAL OR CONSCIENTIOUS
17 BELIEFS OF THE PARENT OR GUARDIAN; TO PROVIDE THAT A PARENT OR
18 GUARDIAN MUST FIRST FURNISH THE RESPONSIBLE OFFICIAL OF THE
19 FACILITY AN AFFIDAVIT IN WHICH THE PARENT OR GUARDIAN SWEARS OR
20 AFFIRMS THAT THE IMMUNIZATION REQUIRED CONFLICTS WITH THE
21 RELIGIOUS, PHILOSOPHICAL OR CONSCIENTIOUS BELIEFS OF THE PARENT OR
22 GUARDIAN BEFORE A CHILD IS EXEMPTED FROM IMMUNIZATION ON RELIGIOUS
23 GROUNDS; AND FOR RELATED PURPOSES.

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

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

27 41-23-37. (1) Whenever indicated, the State Health Officer
28 shall specify such immunization practices as may be considered



best for the control of vaccine preventable diseases. A listing shall be promulgated annually or more often, if necessary.

(2) Except as provided * * * in this section, it shall be unlawful for any child to attend any school, kindergarten or similar type facility intended for the instruction of children (hereinafter called "schools"), either public or private, with the exception of any legitimate home instruction program, as defined in Section 37-13-91, * * * for ten (10) or * * * fewer children who are related within the third degree computed according to the civil law to the operator, unless they * * * have a certificate of vaccination or have submitted to the school a certificate of exemption from vaccination as provided for in this section.

(3) (a) A letter or certificate of exemption from vaccination for medical reasons may be offered on behalf of a child by a duly licensed physician in any state and provided on the stationery of that physician may be accepted by the local health officer and presented to the school on behalf of a child when, in his opinion, * * * is contraindicated for medical reasons and that the exemption will not cause undue risk to the community.

(b) A letter or certificate of exemption from vaccination for religious or philosophical beliefs may be submitted to the school on behalf of a child by the child's parent or guardian.



52 (c) A letter or certificate of exemption from
53 vaccination for conscientious beliefs may be submitted to the
54 school on behalf of a child by the child's parent or guardian.

55 (4) (a) No child seeking claiming an exemption authorized
56 under subsection (3) (b) shall be required to comply with the
57 requirements of this section for any specific vaccination in order
58 to attend the school, provided that the parent or guardian or
59 adult who has assumed responsibility for the child's care and
60 custody in the case of a minor, or the child seeking admission if
61 an emancipated minor, submits to the school a letter or affidavit
62 on an exemption form provided by the State Department of Health,
63 which documents the required vaccinations which have been
64 administered, and which vaccinations have not been administered on
65 the basis that they are contrary to his or her religious or
66 philosophical beliefs. The letter or affidavit must be signed by
67 the parent or guardian or emancipated minor, and which such
68 affidavit must be notarized.

69 (b) The parent or guardian or adult who has assumed
70 responsibility for the child's care and custody in the case of a
71 minor, or the child seeking admission if an emancipated minor,
72 shall submit a letter or affidavit to the school district, school
73 or postsecondary educational institution of enrollment
74 specifically stating the reasons for the philosophical and
75 religious exemption from vaccinations sought, in addition to a
76 statement as to whether the aversion is to some or all



77 vaccinations. The letter or affidavit submitted shall also
78 include, but not be limited to, the following:

79 (i) A statement that the parent or guardian who
80 has assumed responsibility for the child's care and custody, in
81 the case of a minor, or the child seeking admission if an
82 emancipated minor, has been informed by a health care practitioner
83 and school district regarding the risks and benefits of receiving
84 vaccinations or not receiving vaccinations; and

85 (ii) A statement of understanding that:

86 1. At the discretion of the State Department
87 of Health or local health officer, the unimmunized child or
88 individual may be removed from day care or school during an
89 outbreak if the child or individual is not fully vaccinated; and

90 2. The child or individual shall not return
91 to school until the outbreak has been resolved and the State
92 Department of Health or local health officer approves the return
93 to school.

94 (5) (a) No child seeking claiming an exemption authorized
95 under subsection (3) (b) on the basis of conscientious beliefs
96 shall be required to comply with the requirements of this section
97 for any specific vaccination in order to attend the school,
98 provided that the parent or guardian or adult who has assumed
99 responsibility for the child's care and custody in the case of a
100 minor, or the child seeking admission if an emancipated minor,
101 submits to the school a letter or affidavit on an exemption form



102 provided by the State Department of Health, which must be signed
103 by the parent or guardian or emancipated minor, and which such
104 affidavit must be notarized.

105 (b) A blank exemption form for conscientious beliefs
106 may be obtained by the parent or guardian of a minor child or by
107 the emancipated minor by submitting a written request for the
108 exemption form to the State Department of Health or the county
109 health department or by downloading the exemption form from the
110 website of the State Department of Health.

111 (c) The exemption form for conscientious beliefs must
112 contain a statement indicating that the parent or guardian of a
113 minor child or the emancipated minor understands the benefits and
114 risks of vaccinations and the benefits and risks of not being
115 vaccinated. In addition, it must contain a section where the
116 parent or guardian or emancipated minor can list the specific
117 vaccination or vaccinations for which the exemption applies. The
118 completed and notarized exemption form shall expire one (1) year
119 from the date signed by the parent or guardian. The parent or
120 guardian or emancipated minor must submit a new form every school
121 calendar year for which they are claiming an exemption from
122 vaccination requirements for conscientious beliefs.

123 (6) Certificates of vaccination shall be issued by local
124 health officers or physicians on forms specified by the * * *
125 State * * * Department of Health. These forms shall be the only
126 acceptable means for showing compliance with * * * the



immunization requirements of this section, and the responsible school officials shall file the form with the child's record.

(7) If a child * * * who is not exempt from vaccination under subsection (3), (4) or (5) of this section offers to enroll at a school or postsecondary educational institution without having completed the required vaccinations, the local health officer may grant a period of time up to ninety (90) days for * * * that completion when, in the opinion of the health officer, * * * the delay will not cause undue risk to the child, the school or the community. No child who is not exempt from vaccination under subsection (3), (4) or (5) of this section shall be enrolled without having had at least one (1) dose of each specified vaccine.

(8) Within thirty (30) days after the opening of the fall term of school (on or before October 1 of each year) the person in charge of each school shall report to the county or local health officer, on forms provided by the * * * State * * * Department of Health, the number of children enrolled by age or grade or both, the number fully vaccinated, the number in process of completing vaccination requirements, and the number exempt from vaccination by reason * * * of a certificate of exemption.

(9) Within one hundred twenty (120) days after the opening of the fall term (on or before December 31), the person in charge of each school or postsecondary educational institution shall certify to the local or county health officer that all children



enrolled who are not exempt from vaccination under subsection (3),
(4) or (5) of this section are in compliance with the immunization
requirements.

(10) For the purpose of assisting in supervising the
immunization status of the children the local health officer, or
his designee, may inspect the children's records or be furnished
certificates of * * * vaccination compliance by the school or
postsecondary educational institution.

(11) It shall be the responsibility of the person in charge
of each school to enforce the requirements for immunization and
exemption from vaccination. Any child who is not exempt from
vaccination under subsection (3), (4) or (5) of this section is
not in compliance at the end of ninety (90) days from the opening
of the fall term must be suspended until in compliance, unless the
health officer * * * attributes the delay to lack of supply of
vaccine or some other such factor clearly making compliance
impossible.

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

SECTION 2. Section 43-20-8, Mississippi Code of 1972, is
amended as follows:

43-20-8. (1) The licensing agency shall have powers and
duties as set forth below, in addition to other duties prescribed
under this chapter:



177 (a) Promulgate rules and regulations concerning the
178 licensing and regulation of child care facilities as defined in
179 Section 43-20-5;

180 (b) Have the authority to issue, deny, suspend, revoke,
181 restrict or otherwise take disciplinary action against licensees
182 as provided for in this chapter;

183 (c) Set and collect fees and penalties as provided for
184 in this chapter; any increase in the fees charged by the licensing
185 agency under this paragraph shall be in accordance with the
186 provisions of Section 41-3-65; and

187 (d) Have such other powers as may be required to carry
188 out the provisions of this chapter.

189 (2) Child care facilities shall assure that parents have
190 welcome access to the child care facility at all times and shall
191 comply with the provisions of Chapter 520, Laws of 2006.

192 (3) Each child care facility shall develop and maintain a
193 current list of contact persons for each child provided care by
194 that facility. An agreement may be made between the child care
195 facility and the child's parent, guardian or contact person at the
196 time of registration to inform the parent, guardian or contact
197 person if the child does not arrive at the facility within a
198 reasonable time.

199 (4) Child care facilities shall require that, for any
200 current or prospective caregiver, all criminal records, background
201 and sex offender registry checks and current child abuse registry



checks are obtained. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(5) The licensing agency shall require to be performed a criminal records background check and a child abuse registry check for all operators of a child care facility and any person living in a residence used for child care. The Department of Human Services shall have the authority to disclose to the State Department of Health any potential applicant whose name is listed on the Child Abuse Central Registry or has a pending administrative review. That information shall remain confidential by all parties. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(6) The licensing agency shall have the authority to exclude a particular crime or crimes or a substantiated finding of child abuse and/or neglect as disqualifying individuals or entities for prospective or current employment or licensure.

(7) The licensing agency and its agents, officers, employees, attorneys and representatives shall not be held civilly



liable for any findings, recommendations or actions taken under this section.

(8) All fees incurred in compliance with this section shall be borne by the child care facility. The licensing agency is authorized to charge a fee that includes the amount required by the Federal Bureau of Investigation for the national criminal history record check in compliance with the Child Protection Act of 1993, as amended, and any necessary costs incurred by the licensing agency for the handling and administration of the criminal history background checks.

(9) (a) From and after January 1, 2008, the State Board of Health shall develop regulations to ensure that all children enrolled or enrolling in a state licensed child care center receive age-appropriate immunization against invasive pneumococcal disease as recommended by the Advisory Committee on immunization practices of the Centers for Disease Control and Prevention. The State Board of Health shall include, within its regulations, protocols for children under the age of twenty-four (24) months to catch up on missed doses. If the State Board of Health has adopted regulations before January 1, 2008, that would otherwise meet the requirements of this subsection, then this subsection shall stand repealed on January 1, 2008.

(b) The immunization requirements of this subsection shall not apply to a child whose parent or legal guardian objects to immunization of the child on the grounds that the immunization



conflicts with the religious, philosophical or conscientious
beliefs of the parent or guardian. For a child to be exempt from
immunization on religious grounds, philosophical or conscientious
beliefs, the parent or guardian must first furnish the responsible
official of the school or facility an affidavit in which the
parent or guardian swears or affirms that the immunization
required conflicts with the religious, philosophical or
conscientious beliefs of the parent or guardian.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2025.

