

By: Representatives Formby, Cockerham, Brown (20th), Baker, Chism, Carpenter, Morgan, Hamilton, Boyd, Rushing, Byrd, Guice, Moore, Crawford, Ladner, Kinkade, Frierson, Dixon, Willis, Smith (39th), Nelson, Lott, Howell, Gipson To: Education

HOUSE BILL NO. 130

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE PARENTS OR GUARDIANS OF SCHOOL-AGE CHILDREN TO OBTAIN
3 CERTIFICATES OF EXEMPTION FROM VACCINATIONS FOR MEDICAL REASONS OR
4 FOR CONSCIENTIOUS BELIEFS IN ORDER FOR THE CHILD TO ATTEND SCHOOL;
5 TO PROVIDE THAT IN ORDER TO CLAIM AN EXEMPTION FROM A REQUIRED
6 VACCINATION FOR MEDICAL REASONS, THE CHILD'S PARENT OR GUARDIAN
7 MUST PRESENT A STATEMENT FROM THE CHILD'S PHYSICIAN STATING THAT
8 THE REQUIRED VACCINE IS MEDICALLY CONTRAINDICATED OR POSES A
9 SIGNIFICANT RISK TO THE HEALTH AND WELL-BEING OF THE CHILD OR ANY
10 MEMBER OF THE CHILD'S HOUSEHOLD; TO PROVIDE THAT IN ORDER TO
11 OBTAIN AN EXEMPTION FROM A REQUIRED VACCINATION FOR CONSCIENTIOUS
12 BELIEFS, THE CHILD'S PARENT OR GUARDIAN MUST COMPLETE AN AFFIDAVIT
13 ON AN EXEMPTION FORM PROVIDED BY THE STATE DEPARTMENT OF HEALTH;
14 TO PROVIDE THAT THE EXEMPTION FORM FOR CONSCIENTIOUS BELIEFS MUST
15 CONTAIN A STATEMENT INDICATING THAT THE PARENT OR GUARDIAN
16 UNDERSTANDS THE BENEFITS AND RISKS OF VACCINATIONS AND THE
17 BENEFITS AND RISKS OF NOT BEING VACCINATED, AND MUST CONTAIN A
18 SECTION WHERE THE PARENT OR GUARDIAN CAN LIST THE SPECIFIC
19 VACCINATION OR VACCINATIONS FOR WHICH THE EXEMPTION APPLIES; TO
20 PROVIDE THAT EXEMPTIONS FROM VACCINATIONS FOR MEDICAL REASONS OR
21 FOR CONSCIENTIOUS BELIEFS WILL BE VALID FOR ONE YEAR; AND FOR
22 RELATED PURPOSES.

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

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

26 41-23-37. (1) Whenever indicated, the State Health Officer
27 shall specify such immunization practices as may be considered



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

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

40 (3) (a) A certificate of exemption from vaccination for
41 medical reasons may be offered to the school on behalf of a child
42 * * * by the child's parent or guardian.

43 (b) To claim an exemption from a required vaccination
44 for medical reasons, the parent or guardian of the child must
45 present a statement signed by the child's physician (M.D. or
46 D.O.), who is duly registered and licensed to practice medicine in
47 the United States and who has examined the child, in which it is
48 stated that, in the physician's opinion, the required vaccine is
49 medically contraindicated or poses a significant risk to the
50 health and well-being of the child or any member of the child's
51 household. Unless it is written in the statement that a lifelong



52 condition exists, the exemption statement is valid for one (1)
53 year from the date signed by the physician.

54 (4) (a) A certificate of exemption from vaccination for
55 conscientious beliefs may be offered to the school on behalf of a
56 child by the child's parent or guardian.

57 (b) To claim an exemption from a required vaccination
58 for conscientious beliefs, the parent or a guardian of the child
59 must complete an affidavit on an exemption form provided by the
60 State Department of Health. The affidavit must be signed by the
61 parent or guardian and the affidavit must be notarized.

62 (c) A blank exemption form for conscientious beliefs
63 may be obtained by the parent or guardian by submitting a written
64 request for the exemption form to the State Department of Health
65 or the county health department or by downloading the exemption
66 form from the website of the State Department of Health.

67 (d) The exemption form for conscientious beliefs must
68 contain a statement indicating that the parent or guardian
69 understands the benefits and risks of vaccinations and the
70 benefits and risks of not being vaccinated. In addition, it must
71 contain a section where the parent or guardian can list the
72 specific vaccination or vaccinations for which the exemption
73 applies. The completed and notarized exemption form shall expire
74 one (1) year from the date signed by the parent or guardian. The
75 parent or guardian must submit a new form every school calendar



76 year for which they are claiming an exemption from vaccination
77 requirements for conscientious beliefs.

78 (5) Certificates of vaccination shall be issued by local
79 health officers or physicians on forms specified by the
80 Mississippi State Board of Health. These forms shall be the only
81 acceptable means for showing compliance with * * * the
82 immunization requirements of this section, and the responsible
83 school officials shall file the form with the child's record.

84 (6) If a child * * * offers to enroll at a school without
85 having completed the required vaccinations or submitting a
86 certificate of exemption from vaccination, the local health
87 officer may grant a period of time up to ninety (90) days for
88 * * * that completion when, in the opinion of the health officer,
89 such delay will not cause undue risk to the child, the school or
90 the community. No child without a certificate of exemption from
91 vaccination shall be enrolled without having had at least one (1)
92 dose of each specified vaccine.

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



101 (8) Within one hundred twenty (120) days after the opening
102 of the fall term (on or before December 31), the person in charge
103 of each school shall certify to the local or county health officer
104 that all children enrolled are in compliance with the immunization
105 requirements of this section.

106 (9) For the purpose of assisting in supervising the
107 immunization status of the children the local health officer, or
108 his designee, may inspect the children's records or be furnished
109 certificates of * * * vaccination compliance by the school.

110 (10) It shall be the responsibility of the person in charge
111 of each school to enforce the requirements for immunization and
112 exemption from vaccination. Any child not in compliance at the
113 end of ninety (90) days from the opening of the fall term must be
114 suspended until in compliance, unless the health officer * * *
115 attributes the delay to lack of supply of vaccine or some other
116 such factor clearly making compliance impossible.

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

120 **SECTION 2.** This act shall take effect and be in force from
121 and after July 1, 2015.

