MISSISSIPPI LEGISLATURE

REGULAR SESSION 2022

By: Representatives Eubanks, Williamson

To: Public Health and Human Services

HOUSE BILL NO. 1456

AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972, TO PROHIBIT PUBLIC AND PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTIONS FROM REQUIRING STUDENTS OR RESIDENTS TO PROVIDE DOCUMENTATION CERTIFYING SARS-COV-2 VIRUS (COVID 19) OR ANY VARIANT OF THE SARS-COV-2 VIRUS (COVID 19) VACCINATION OR POST INFECTION RECOVERY, OR ANY OTHER VACCINE FOR WHICH THE UNITED STATES FOOD AND DRUG ADMINISTRATION HAS NOT GRANTED FULL APPROVAL, AS A CONDITIONAL REQUIREMENT FOR ATTENDANCE OR ENROLLMENT; AND FOR RELATED PURPOSES.

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

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

41-23-37. (1) Whenever indicated, the State Health Officer 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 hereinafter, 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 less children who are related within the third degree computed according to the civil law to the operator, unless they shall first have been vaccinated against those diseases specified by the State Health Officer.

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

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

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

(b) 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 Mississippi State
Board 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 for such exemption.

(c) 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 shall certify to the local or county health
officer that all children enrolled are in compliance with
immunization requirements.

(5)(a) 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 immunization compliance by the school.

(b) It shall be the responsibility of the person in
charge of each school to enforce the requirements for
immunization. Any child 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 shall attribute the
delay to lack of supply of vaccine or some other such factor
clearly making compliance impossible.

(6) No postsecondary educational institution, public or
private, may require students or residents to provide any
documentation certifying SARS-CoV-2 virus (COVID-19) or any
variant of the SARS-CoV-2 virus (COVID-19) vaccination or
post-infection recovery, or any other vaccine for which the United
States Food and Drug Administration has not granted full approval,
as a conditional requirement for attendance or enrollment, or to
gain access to, entry upon or service from postsecondary
educational institutions in this state. This subsection does not
otherwise restrict postsecondary educational institutions from
instituting screening protocols consistent with authoritative or
controlling government-issued guidance to protect public health.

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

SECTION 2. This act shall take effect and be in force from
and after July 1, 2022.