

By: Representatives Hopkins, Eubanks

To: Education

HOUSE BILL NO. 1302

1 AN ACT TO AMEND SECTIONS 41-23-37 AND 43-20-8, MISSISSIPPI
 2 CODE OF 1972, TO AUTHORIZE EXEMPTIONS FROM THE IMMUNIZATION
 3 REQUIREMENTS OF SCHOOLS AND LICENSED CHILD CARE FACILITIES WHEN A
 4 PARENT OR LEGAL GUARDIAN OBJECTS TO IMMUNIZATION OF THE CHILD ON
 5 THE GROUNDS THAT THE IMMUNIZATION CONFLICTS WITH THE RELIGIOUS
 6 BELIEFS OF THE PARENT OR GUARDIAN; TO PROVIDE THAT A PARENT OR
 7 GUARDIAN MUST FIRST FURNISH THE RESPONSIBLE OFFICIAL OF THE SCHOOL
 8 OR FACILITY AN AFFIDAVIT IN WHICH THE PARENT OR GUARDIAN SWEARS OR
 9 AFFIRMS THAT THE IMMUNIZATION REQUIRED CONFLICTS WITH THE
 10 RELIGIOUS BELIEFS OF THE PARENT OR GUARDIAN BEFORE A CHILD IS
 11 EXEMPTED FROM IMMUNIZATION ON RELIGIOUS GROUNDS; AND FOR RELATED
 12 PURPOSES.

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

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

16 41-23-37. (1) Whenever indicated, the State Health Officer
 17 shall specify such immunization practices as may be considered
 18 best for the control of vaccine preventable diseases. A listing
 19 shall be promulgated annually or more often, if necessary.

20 (2) Except as otherwise provided * * * in this section, it
 21 shall be unlawful for any child to attend any school, kindergarten
 22 or similar type facility intended for the instruction of children
 23 (hereinafter called "schools"), either public or private, with the



24 exception of any legitimate home instruction program as defined in
25 Section 37-13-91, * * * for ten (10) or * * * fewer children who
26 are related within the third degree computed according to the
27 civil law to the operator, unless they * * * first have been
28 vaccinated against those diseases specified by the State Health
29 Officer.

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

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

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



48 (6) (a) Within thirty (30) days after the opening of the
49 fall term of school (on or before October 1 of each year), the
50 person in charge of each school shall report to the county or
51 local health officer, on forms provided by the Mississippi State
52 Board of Health, the number of children enrolled by age or grade
53 or both, the number fully vaccinated, the number in process of
54 completing vaccination requirements, and the number exempt from
55 vaccination by reason for such exemption.

56 (b) Within one hundred twenty (120) days after the
57 opening of the fall term (on or before December 31), the person in
58 charge of each school shall certify to the local or county health
59 officer that all children enrolled are in compliance with
60 immunization requirements.

61 (7) For the purpose of assisting in supervising the
62 immunization status of the children, the local health officer, or
63 his or her designee, may inspect the children's records or be
64 furnished certificates of immunization compliance by the school.

65 (8) It shall be the responsibility of the person in charge
66 of each school to enforce the requirements for immunization. Any
67 child not in compliance at the end of ninety (90) days from the
68 opening of the fall term must be suspended until in compliance,
69 unless the health officer * * * attributes the delay to lack of
70 supply of vaccine or some other such factor clearly making
71 compliance impossible.



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

75 (10) The immunization requirements of this section shall not
76 apply to a child whose parent or legal guardian objects to
77 immunization of the child on the grounds that the immunization
78 conflicts with the religious beliefs of the parent or guardian.
79 For a child to be exempt from immunization on religious grounds,
80 the parent or guardian must first furnish the responsible official
81 of the school a signed statement in which the parent or guardian
82 swears or affirms that the immunization required conflicts with
83 the religious beliefs of the parent or guardian.

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

86 43-20-8. (1) The licensing agency shall have powers and
87 duties as set forth below, in addition to other duties prescribed
88 under this chapter:

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

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

95 (c) Set and collect fees and penalties as provided for
96 in this chapter; any increase in the fees charged by the licensing



97 agency under this paragraph shall be in accordance with the
98 provisions of Section 41-3-65; and

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

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

104 (3) Each child care facility shall develop and maintain a
105 current list of contact persons for each child provided care by
106 that facility. An agreement may be made between the child care
107 facility and the child's parent, guardian or contact person at the
108 time of registration to inform the parent, guardian or contact
109 person if the child does not arrive at the facility within a
110 reasonable time.

111 (4) Child care facilities shall require that, for any
112 current or prospective caregiver, all criminal records, background
113 and sex offender registry checks and current child abuse registry
114 checks are obtained. In order to determine the applicant's
115 suitability for employment, the applicant shall be fingerprinted.
116 If no disqualifying record is identified at the state level, the
117 fingerprints shall be forwarded by the Department of Public Safety
118 to the FBI for a national criminal history record check.

119 (5) The licensing agency shall require to be performed a
120 criminal records background check and a child abuse registry check
121 for all operators of a child care facility and any person living



122 in a residence used for child care. The Department of Human
123 Services shall have the authority to disclose to the State
124 Department of Health any potential applicant whose name is listed
125 on the Child Abuse Central Registry or has a pending
126 administrative review. That information shall remain confidential
127 by all parties. In order to determine the applicant's suitability
128 for employment, the applicant shall be fingerprinted. If no
129 disqualifying record is identified at the state level, the
130 fingerprints shall be forwarded by the Department of Public Safety
131 to the FBI for a national criminal history record check.

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

136 (7) The licensing agency and its agents, officers,
137 employees, attorneys and representatives shall not be held civilly
138 liable for any findings, recommendations or actions taken under
139 this section.

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



146 licensing agency for the handling and administration of the
147 criminal history background checks.

148 (9) (a) * * * The State Board of Health shall develop
149 regulations to ensure that all children enrolled or enrolling in a
150 state licensed child care center receive age-appropriate
151 immunization against invasive pneumococcal disease as recommended
152 by the Advisory Committee on immunization practices of the Centers
153 for Disease Control and Prevention. The State Board of Health
154 shall include, within its regulations, protocols for children
155 under the age of twenty-four (24) months to catch up on missed
156 doses. * * *

157 (b) The immunization requirements of this subsection
158 shall not apply to a child whose parent or legal guardian objects
159 to immunization of the child on the grounds that the immunization
160 conflicts with the religious beliefs of the parent or guardian.
161 For a child to be exempt from immunization on religious grounds,
162 the parent or guardian must first furnish the responsible official
163 of the child care facility a signed statement in which the parent
164 or guardian swears or affirms that the immunization required
165 conflicts with the religious beliefs of the parent or guardian.

166 **SECTION 3.** This act shall take effect and be in force from
167 and after July 1, 2023.

