

By: Senator(s) Hill

To: Public Health and
Welfare

SENATE BILL NO. 2154

1 AN ACT TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A CHILD SHALL BE EXEMPT FROM THE VACCINE
3 REQUIREMENTS IN ORDER TO ATTEND SCHOOL IF THE PARENT OR GUARDIAN
4 OR ADULT WHO HAS ASSUMED RESPONSIBILITY FOR THE CHILD'S CARE AND
5 CUSTODY IN THE CASE OF A MINOR, OR THE CHILD SEEKING ADMISSION IF
6 AN EMANCIPATED MINOR, SUBMITS TO THEIR COUNTY HEALTH DEPARTMENT A
7 COMPLETED RELIGIOUS EXEMPTION REQUEST THAT DOCUMENTS WHICH
8 REQUIRED VACCINATIONS HAVE BEEN GIVEN, AND WHICH VACCINATIONS HAVE
9 NOT BEEN GIVEN ON THE BASIS THAT THEY ARE CONTRARY TO HIS OR HER
10 RELIGIOUS BELIEFS; TO PROVIDE THAT THE COUNTY HEALTH DEPARTMENT
11 SHALL SUBMIT THE REQUEST TO THE STATE DEPARTMENT OF HEALTH; TO
12 REQUIRE THE STATE DEPARTMENT OF HEALTH TO ACCEPT AND ISSUE A
13 CERTIFICATE OF RELIGIOUS EXEMPTION IF THE REQUEST INCLUDES ALL OF
14 THE REQUIRED COMPONENTS; TO PROVIDE THAT THE STATE DEPARTMENT OF
15 HEALTH SHALL PROMULGATE A RELIGIOUS EXEMPTION REQUEST FORM THAT
16 MUST INCLUDE CERTAIN STATEMENTS; TO PROVIDE THAT A CHILD MAY STILL
17 BE EXCLUDED FROM SCHOOL IF ANY VACCINE-PREVENTABLE DISEASE FOR
18 WHICH THE CHILD HAS NOT BEEN IMMUNIZED IS OCCURRING OR THREATENING
19 TO OCCUR IN THE COMMUNITY; TO PROVIDE THAT THE CHILD SHALL NOT
20 RETURN TO SCHOOL UNTIL THE OUTBREAK HAS BEEN RESOLVED AND THE
21 DEPARTMENT OF HEALTH APPROVES THE RETURN TO SCHOOL; 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 hereinafter, it shall be unlawful for
31 any child to attend any school, kindergarten or similar type
32 facility intended for the instruction of children (hereinafter
33 called "schools"), either public or private, with the exception of
34 any legitimate home instruction program as defined in Section
35 37-13-91, * * * for ten (10) or * * * fewer children who are
36 related within the third degree computed according to the civil
37 law to the operator, unless they shall first have been vaccinated
38 against those diseases specified by the State Health Officer.

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

44 (4) (a) While seeking to attend any school, a child shall
45 not be required to comply with the requirements of this section
46 for any specific vaccination in order to attend the school if the
47 parent or guardian or adult who has assumed responsibility for the
48 child's care and custody in the case of a minor, or the child
49 seeking admission if an emancipated minor, submits to their County
50 Health Department a completed Religious Exemption Request that
51 documents which required vaccinations have been given, and which
52 vaccinations have not been given on the basis that they are



53 contrary to his or her religious beliefs. The County Health
54 Department shall submit the Request to the State Department of
55 Health. The State Department of Health shall accept and issue a
56 Certificate of Religious Exemption if the request includes all of
57 the required components. The Department shall mail a copy of the
58 Certificate of Religious Exemption to the parent, guardian,
59 responsible adult or emancipated minor, as the case may be, and
60 the daycare or school indicated on the Religious Exemption
61 Request.

62 (b) The State Department of Health shall promulgate a
63 Religious Exemption Request form that shall include, but not be
64 limited to, the following:

65 (i) A statement that the parent or guardian who
66 has assumed responsibility for the child's care and custody, in
67 the case of a minor, or the child seeking admission if an
68 emancipated minor, has been informed by a health care practitioner
69 and school district regarding the risks and benefits of receiving
70 vaccinations or not receiving vaccinations; and

71 (ii) A statement of understanding that:

72 1. At the discretion of the Department of
73 Health or local health officer, if any vaccine-preventable
74 diseases for which the child has not been adequately immunized are
75 occurring in or threatening to occur in the community, the child
76 will, for the safety and benefit of the child and other children,
77 be excluded from day care or school until the infectious disease



78 is no longer present or is no longer a threat to the safety and
79 welfare of the child or other children in the day care or school;
80 and

81 2. The child or individual shall not return
82 to school until the outbreak has been resolved and the Department
83 of Health or local health officer approves the return to school.

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

90 (6) If a child * * * who is not exempt under subsection (4)
91 of this section offers to enroll at a school without having
92 completed the required vaccinations, the local health officer may
93 grant a period of time up to ninety (90) days for such completion
94 when, in the opinion of the health officer, such delay will not
95 cause undue risk to the child, the school or the community. No
96 child shall be enrolled without having had at least one (1) dose
97 of each specified vaccine.

98 (7) Within thirty (30) days after the opening of the fall
99 term of school (on or before October 1 of each year) the person in
100 charge of each school shall report to the county or local health
101 officer, on forms provided by the Mississippi State Board of
102 Health, the number of children enrolled by age or grade or both,



103 the number fully vaccinated, the number in process of completing
104 vaccination requirements, and the number exempt from vaccination
105 by reason for such exemption.

106 (8) Within one hundred twenty (120) days after the opening
107 of the fall term (on or before December 31), the person in charge
108 of each school shall certify to the local or county health officer
109 that all children enrolled who are not exempt under subsection (4)
110 of this section are in compliance with immunization requirements.

111 (9) For the purpose of assisting in supervising the
112 immunization status of the children, the local health officer, or
113 his designee, may inspect the children's records or be furnished
114 certificates of immunization compliance by the school.

115 (10) It shall be the responsibility of the person in charge
116 of each school to enforce the requirements for immunization.
117 Except for the children who are exempt under subsection (4) of
118 this section, any child not in compliance at the end of ninety
119 (90) days from the opening of the fall term must be suspended
120 until in compliance, unless the health officer shall attribute the
121 delay to lack of supply of vaccine or some other such factor
122 clearly making compliance impossible.

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

126 **SECTION 2.** This act shall take effect and be in force from
127 and after July 1, 2024.

