

By: Senator(s) Hill

To: Public Health and Welfare

SENATE BILL NO. 2920

1 AN ACT TO PROVIDE FOR A STANDARDIZED MEDICAL EXEMPTION FOR  
 2 VACCINES; TO PROVIDE THAT IF ANY PHYSICIAN, NURSE PRACTITIONER OR  
 3 PHYSICIAN'S ASSISTANT LICENSED TO PRACTICE MEDICINE COMPLETES THE  
 4 REQUIRED MEDICAL EXEMPTION FORM STATING THAT SUCH VACCINATION MAY  
 5 BE DETRIMENTAL TO AN INDIVIDUAL'S HEALTH, ANY STATE OR MUNICIPAL  
 6 REQUIREMENT TO OBTAIN A VACCINATION SHALL BE INAPPLICABLE UNTIL  
 7 SUCH VACCINATION IS FOUND TO NO LONGER BE DETRIMENTAL TO THE  
 8 INDIVIDUAL'S HEALTH BY THE INDIVIDUAL'S PHYSICIAN, NURSE  
 9 PRACTITIONER, OR PHYSICIAN'S ASSISTANT; TO PROHIBIT DISCRIMINATION  
 10 ON BASIS OF AN INDIVIDUAL'S STATUS OF HAVING A MEDICAL EXEMPTION;  
 11 TO AMEND SECTION 41-23-37, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
 12 THE PROVISIONS OF THE ACT; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** **Standardizing medical exemptions.** (1) If any  
 15 physician, nurse practitioner or physician's assistant licensed to  
 16 practice medicine completes the required medical exemption form  
 17 stating that such vaccination may be detrimental to an  
 18 individual's health, any state or municipal requirement to obtain  
 19 a vaccination shall be inapplicable until such vaccination is  
 20 found to no longer be detrimental to the individual's health by  
 21 the individual's physician, nurse practitioner, or physician's  
 22 assistant. The department or any other state or municipal agency,



23 board, or commission may not require any other condition or  
24 requirement for the medical exemption to a vaccine or vaccines.

25 (2) Any physician, nurse practitioner, or physician's  
26 assistant who believes that such vaccination may be detrimental to  
27 the individual's health must complete a medical exemption form  
28 with the following information:

29 (a) Name of individual;

30 (b) If a minor, name of parent, parents or guardian;

31 (c) Birthdate;

32 (d) Home address;

33 (e) A statement that provides "I hereby certify that  
34 vaccination against (insert immunization exempted) may be  
35 detrimental to the individual's health."

36 (3) Discrimination on basis of an individual's status of  
37 having a medical exemption provided for in this section is  
38 prohibited.

39 (4) Absent fraud or intentional misrepresentation of  
40 verifiable facts, a physician, nurse practitioner, or physician's  
41 assistant shall not be subject to any disciplinary action or  
42 penalty by any state or municipal agency, board, or commission for  
43 issuing a medical exemption form as provided for in this section.

44 **SECTION 2.** Section 41-23-37, Mississippi Code of 1972, is  
45 amended as follows:

46 41-23-37. Whenever indicated, the State Health Officer shall  
47 specify such immunization practices as may be considered best for



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

50 Except as provided for in section 1 of this act and  
51 hereinafter, it shall be unlawful for any child to attend any  
52 school, kindergarten or similar type facility intended for the  
53 instruction of children (hereinafter called "schools"), either  
54 public or private, with the exception of any legitimate home  
55 instruction program as defined in Section 37-13-91, Mississippi  
56 Code of 1972, for ten (10) or less children who are related within  
57 the third degree computed according to the civil law to the  
58 operator, unless they shall first have been vaccinated against  
59 those diseases specified by the State Health Officer.

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

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

71 If a child shall offer to enroll at a school without having  
72 completed the required vaccinations, the local health officer may



73 grant a period of time up to ninety (90) days for such completion  
74 when, in the opinion of the health officer, such delay will not  
75 cause undue risk to the child, the school or the community. No  
76 child shall be enrolled without having had at least one (1) dose  
77 of each specified vaccine.

78         Within thirty (30) days after the opening of the fall term of  
79 school (on or before October 1 of each year) the person in charge  
80 of each school shall report to the county or local health officer,  
81 on forms provided by the Mississippi State Board of Health, the  
82 number of children enrolled by age or grade or both, the number  
83 fully vaccinated, the number in process of completing vaccination  
84 requirements, and the number exempt from vaccination by reason for  
85 such exemption.

86         Within one hundred twenty (120) days after the opening of the  
87 fall term (on or before December 31), the person in charge of each  
88 school shall certify to the local or county health officer that  
89 all children enrolled are in compliance with immunization  
90 requirements.

91         For the purpose of assisting in supervising the immunization  
92 status of the children the local health officer, or his designee,  
93 may inspect the children's records or be furnished certificates of  
94 immunization compliance by the school.

95         It shall be the responsibility of the person in charge of  
96 each school to enforce the requirements for immunization. Any  
97 child not in compliance at the end of ninety (90) days from the



98 opening of the fall term must be suspended until in compliance,  
99 unless the health officer shall attribute the delay to lack of  
100 supply of vaccine or some other such factor clearly making  
101 compliance impossible.

102 Failure to enforce provisions of this section shall  
103 constitute a misdemeanor and upon conviction be punishable by fine  
104 or imprisonment or both.

105 **SECTION 3.** This act shall take effect and be in force from  
106 and after July 1, 2024.

