

FIRST REGULAR SESSION

# SENATE BILL NO. 104

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS JUSTUS, SMITH, McKENNA, BRAY, DAYS, WILSON AND WRIGHT-JONES.

Pre-filed December 3, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0158S.011

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## AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to immunizations against the human papillomavirus.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 167, RSMo, is amended by adding thereto one new  
2 section, to be known as section 167.182, to read as follows:

**167.182. 1. Each parent or guardian of a female student enrolling  
2 in grade six in public school shall be provided information regarding  
3 immunizations against the human papillomavirus in accordance with  
4 this section.**

5       **2. (1) Each public school district shall provide the names and  
6 addresses of all parents and guardians of female students who are  
7 entering grade six to the department of health and senior services and  
8 the department shall mail to such parent or guardian age appropriate  
9 information relating to the connection between human papillomavirus  
10 and cervical cancer, and that an immunization against the human  
11 papillomavirus infection is available.**

12       **(2) Such information shall include:**

13       **(a) The risk factors for developing cervical cancer, the symptoms  
14 of the disease, how it may be diagnosed and its possible consequences  
15 if untreated;**

16       **(b) The connection between human papillomavirus and cervical  
17 cancer, how human papillomavirus is transmitted, how transmission  
18 may be prevented, including abstinence as the best way to prevent  
19 sexually transmitted diseases, and the relative risk of contracting  
20 human papillomavirus for primary and secondary school students;**

21       **(c) The latest scientific information on the immunization against**

22 human papillomavirus infection and the immunization's effectiveness  
23 against causes of cervical cancer;

24 (d) That a pap smear is still critical for the detection of  
25 precancerous changes in the cervix to allow for treatment before  
26 cervical cancer develops; and

27 (e) A statement that any questions or concerns regarding  
28 immunizing the child against human papillomavirus could be answered  
29 by contacting a health care provider.

30 (3) Each informational mailing sent to the parents or guardian  
31 of female students who are entering grade six shall request that the  
32 parents or guardian of such students voluntarily furnish to the  
33 department not later than twenty school days after the first day of  
34 school a written statement, in a form prescribed by the department of  
35 health and senior services, stating that the parent has received the  
36 information required under this subsection and that:

37 (a) The student has received or is receiving the immunization;  
38 or

39 (b) The parent has decided not to have the student immunized.  
40 Such form to be returned voluntarily by the parent or guardian shall  
41 not request from the parent or guardian any identifying information of  
42 the female student or parent or guardian.

43 (4) The informational mailing shall have prominently displayed  
44 in bold type that the request from the parent or guardian for the  
45 written statement under subdivision (3) of this subsection is voluntary.

46 (5) Beginning July 1, 2010, the department shall submit to the  
47 general assembly a report detailing the number of sixth grade female  
48 students who have and have not been immunized against the human  
49 papillomavirus infection and the number of nonresponses to the  
50 request for the written statement under subdivision (3) of this  
51 subsection. The information derived from subdivision (3) of this  
52 subsection shall be used for statistical purposes only and shall not be  
53 used to personally identify any parent or guardian, or any student.

54 (6) Nothing in this subsection shall be construed to prevent a  
55 student from school attendance if such parent or guardian has opted  
56 not to have the student receive the human papillomavirus  
57 immunization or has not returned the statement prescribed in  
58 subdivision (3) of this subsection.

59           **3. If a parent or guardian chooses to have the female student**  
60 **immunized for the human papillomavirus but is unable to pay, the**  
61 **student shall be immunized at public expense by a physician or nurse**  
62 **at or from the county, district, city public health center or a school**  
63 **nurse or by a nurse or physician in the private office or clinic of the**  
64 **child's personal physician with the costs of immunization paid through**  
65 **the Mo HealthNet program, private insurance or in a manner to be**  
66 **determined by the department of health and senior services subject to**  
67 **state and federal appropriations.**

68           **4. Funds for the administration of this section and for the**  
69 **purchase of vaccines for students of families unable to afford them**  
70 **shall be appropriated to the department of health and senior services**  
71 **from general revenue or from federal funds if available.**

72           **5. Any rule or portion of a rule, as that term is defined in section**  
73 **536.010, RSMo, that is created under the authority delegated in this**  
74 **section shall become effective only if it complies with and is subject to**  
75 **all of the provisions of chapter 536, RSMo, and, if applicable, section**  
76 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
77 **and if any of the powers vested with the general assembly pursuant to**  
78 **chapter 536, RSMo, to review, to delay the effective date, or to**  
79 **disapprove and annul a rule are subsequently held unconstitutional,**  
80 **then the grant of rulemaking authority and any rule proposed or**  
81 **adopted after August 28, 2009, shall be invalid and void.**

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