

SECOND REGULAR SESSION

SENATE BILL NO. 748

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time January 21, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

4719S.011

AN ACT

To repeal sections 167.181 and 174.335, RSMo, and to enact in lieu thereof two new sections relating to the meningococcal vaccine.

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

Section A. Sections 167.181 and 174.335, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 167.181 and 174.335, to
3 read as follows:

167.181. 1. The department of health and senior services, after
2 consultation with the department of elementary and secondary education, shall
3 promulgate rules and regulations governing the immunization against
4 poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, [and]
5 hepatitis B, **and meningococcal disease** to be required of children attending
6 public, private, parochial or parish schools. Such rules and regulations may
7 modify the immunizations that are required of children in this subsection. The
8 immunizations required and the manner and frequency of their administration
9 shall conform to recognized standards of medical practice. The department of
10 health and senior services shall supervise and secure the enforcement of the
11 required immunization program.

12 2. It is unlawful for any student to attend school unless he has been
13 immunized as required under the rules and regulations of the department of
14 health and senior services, and can provide satisfactory evidence of such
15 immunization; except that if he produces satisfactory evidence of having begun
16 the process of immunization, he may continue to attend school as long as the
17 immunization process is being accomplished in the prescribed manner. It is
18 unlawful for any parent or guardian to refuse or neglect to have his child

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 immunized as required by this section, unless the child is properly exempted.

20 3. This section shall not apply to any child if one parent or guardian
21 objects in writing to his school administrator against the immunization of the
22 child, because of religious beliefs or medical contraindications. In cases where
23 any such objection is for reasons of medical contraindications, a statement from
24 a duly licensed physician must also be provided to the school administrator.

25 4. Each school superintendent, whether of a public, private, parochial or
26 parish school, shall cause to be prepared a record showing the immunization
27 status of every child enrolled in or attending a school under his jurisdiction. The
28 name of any parent or guardian who neglects or refuses to permit a nonexempted
29 child to be immunized against diseases as required by the rules and regulations
30 promulgated pursuant to the provisions of this section shall be reported by the
31 school superintendent to the department of health and senior services.

32 5. The immunization required may be done by any duly licensed physician
33 or by someone under his direction. If the parent or guardian is unable to pay, the
34 child shall be immunized at public expense by a physician or nurse at or from the
35 county, district, city public health center or a school nurse or by a nurse or
36 physician in the private office or clinic of the child's personal physician with the
37 costs of immunization paid through the state Medicaid program, private
38 insurance or in a manner to be determined by the department of health and
39 senior services subject to state and federal appropriations, and after consultation
40 with the school superintendent and the advisory committee established in section
41 192.630. When a child receives his or her immunization, the treating physician
42 may also administer the appropriate fluoride treatment to the child's teeth.

43 6. Funds for the administration of this section and for the purchase of
44 vaccines for children of families unable to afford them shall be appropriated to
45 the department of health and senior services from general revenue or from federal
46 funds if available.

47 7. No rule or portion of a rule promulgated under the authority of this
48 section shall become effective unless it has been promulgated pursuant to the
49 provisions of chapter 536. Any rule or portion of a rule, as that term is defined
50 in section 536.010, that is created under the authority delegated in this section
51 shall become effective only if it complies with and is subject to all of the
52 provisions of chapter 536 and, if applicable, section 536.028. This section and
53 chapter 536 are nonseverable and if any of the powers vested with the general
54 assembly pursuant to chapter 536 to review, to delay the effective date or to

55 disapprove and annul a rule are subsequently held unconstitutional, then the
56 grant of rulemaking authority and any rule proposed or adopted after August 28,
57 2001, shall be invalid and void.

174.335. 1. Beginning with the 2004-2005 school year and for each school
2 year thereafter, every public institution of higher education in this state shall
3 require all students who reside in on-campus housing to [sign a written waiver
4 stating that the institution of higher education has provided the student, or if the
5 student is a minor, the student's parents or guardian, with detailed written
6 information on the risks associated with meningococcal disease and the
7 availability and effectiveness of] **have received** the meningococcal vaccine
8 **unless a signed statement of medical or religious exemption is on file**
9 **with the institution's administration. A student shall be exempted from**
10 **the immunization requirement of this section upon signed certification**
11 **by a doctor licensed under chapter 334, indicating that either the**
12 **immunization would seriously endanger the student's health or life or**
13 **the student has documentation of disease or laboratory evidence of**
14 **immunity to the disease. A student shall be exempted from the**
15 **immunization requirement of this section if he or she objects in writing**
16 **to the institution's administration that immunization violates his or her**
17 **religious beliefs.**

18 2. [Any student who elects to receive the meningococcal vaccine shall not
19 be required to sign a waiver referenced in subsection 1 of this section and shall
20 present a record of said vaccination to the institution of higher education.

21 3.] Each public university or college in this state shall maintain records
22 on the meningococcal vaccination status of every student residing in on-campus
23 housing at the university or college[, including any written waivers executed
24 pursuant to subsection 1 of this section]. **The department of health and**
25 **senior services shall oversee, supervise, and secure the enforcement of**
26 **this section. The department of health and senior services may**
27 **promulgate rules and regulations governing the requirements of this**
28 **section. Any rule or portion of a rule, as that term is defined in section**
29 **536.010 that is created under the authority delegated in this section**
30 **shall become effective only if it complies with and is subject to all of**
31 **the provisions of chapter 536, and, if applicable, section 536.028. This**
32 **section and chapter 536 are nonseverable and if any of the powers**
33 **vested with the general assembly pursuant to chapter 536, to review, to**

34 **delay the effective date, or to disapprove and annul a rule are**
35 **subsequently held unconstitutional, then the grant of rulemaking**
36 **authority and any rule proposed or adopted after August 28, 2014, shall**
37 **be invalid and void.**

38 [4.] **3.** Nothing in this section shall be construed as requiring any
39 institution of higher education to provide or pay for vaccinations against
40 meningococcal disease.

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Bill

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