

SECOND REGULAR SESSION

SENATE BILL NO. 1128

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time March 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6714S.011

AN ACT

To repeal section 167.181, RSMo, and to enact in lieu thereof one new section relating to the reporting of student immunizations.

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

Section A. Section 167.181, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 167.181, to 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, to be required of children attending public, private, parochial or
6 parish schools. Such rules and regulations may modify the immunizations that
7 are required of children in this subsection. The immunizations required and the
8 manner and frequency of their administration shall conform to recognized
9 standards of medical practice. The department of health and senior services shall
10 supervise and secure the enforcement of the required immunization program.

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

19 3. This section shall not apply to any child if one parent or guardian

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

20 objects in writing to his school administrator against the immunization of the
21 child, because of religious beliefs or medical contraindications. In cases where
22 any such objection is for reasons of medical contraindications, a statement from
23 a duly licensed physician must also be provided to the school administrator.

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

31 5. **The department of elementary and secondary education shall**
32 **report in the statewide longitudinal data system created pursuant to**
33 **section 161.096 the percentage of students in each school district who**
34 **have received all immunizations required by this section.**

35 6. The immunization required may be done by any duly licensed physician
36 or by someone under his direction. If the parent or guardian is unable to pay, the
37 child shall be immunized at public expense by a physician or nurse at or from the
38 county, district, city public health center or a school nurse or by a nurse or
39 physician in the private office or clinic of the child's personal physician with the
40 costs of immunization paid through the state Medicaid program, private
41 insurance or in a manner to be determined by the department of health and
42 senior services subject to state and federal appropriations, and after consultation
43 with the school superintendent and the advisory committee established in section
44 192.630. When a child receives his or her immunization, the treating physician
45 may also administer the appropriate fluoride treatment to the child's teeth.

46 [6.] 7. Funds for the administration of this section and for the purchase
47 of vaccines for children of families unable to afford them shall be appropriated to
48 the department of health and senior services from general revenue or from federal
49 funds if available.

50 [7.] 8. No rule or portion of a rule promulgated under the authority of
51 this section shall become effective unless it has been promulgated pursuant to the
52 provisions of chapter 536. Any rule or portion of a rule, as that term is defined
53 in section 536.010, that is created under the authority delegated in this section
54 shall become effective only if it complies with and is subject to all of the
55 provisions of chapter 536 and, if applicable, section 536.028. This section and

56 chapter 536 are nonseverable and if any of the powers vested with the general
57 assembly pursuant to chapter 536 to review, to delay the effective date or to
58 disapprove and annul a rule are subsequently held unconstitutional, then the
59 grant of rulemaking authority and any rule proposed or adopted after August 28,
60 2001, shall be invalid and void.

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