

SECOND REGULAR SESSION

SENATE BILL NO. 1120

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time February 11, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4394S.02I

AN ACT

To repeal sections 167.181 and 210.003, RSMo, and to enact in lieu thereof two new sections relating to vaccinations.

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

Section A. Sections 167.181 and 210.003, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 167.181 and 210.003, 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, to be required of children attending public, private, parochial or
6 parish schools. Such rules and regulations may modify the **manner and**
7 **frequency, including "zero" frequency, of the** immunizations [that are
8 required of children] **which are specified** in this subsection. **Such rules shall**
9 **not require immunizations not specified by this subsection.** The
10 immunizations required and the manner and frequency of their administration
11 shall conform to recognized standards of medical practice. The department of
12 health and senior services shall supervise and secure the enforcement of the
13 required immunization program.

14 2. It is unlawful for any student to attend school unless he has been
15 immunized as required under the rules and regulations of the department of
16 health and senior services, and can provide satisfactory evidence of such
17 immunization **or otherwise acquired immunity**; except that if he produces
18 satisfactory evidence of having begun the process of immunization, he may

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

19 continue to attend school as long as the immunization process is being
20 accomplished in the prescribed manner. It is unlawful for any parent or guardian
21 to refuse or neglect to have his child immunized as required by this section,
22 unless the child is properly exempted.

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

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

35 5. 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, RSMo. When a child receives his or her immunization, the treating
45 physician may also administer the appropriate fluoride treatment to the child's
46 teeth.

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

51 7. No rule or portion of a rule promulgated under the authority of this
52 section shall become effective unless it has been promulgated pursuant to the
53 provisions of chapter 536, RSMo. Any rule or portion of a rule, as that term is
54 defined in section 536.010, RSMo, that is created under the authority delegated

55 in this section shall become effective only if it complies with and is subject to all
56 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
57 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
58 powers vested with the general assembly pursuant to chapter 536, RSMo, to
59 review, to delay the effective date or to disapprove and annul a rule are
60 subsequently held unconstitutional, then the grant of rulemaking authority and
61 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

210.003. 1. No child shall be permitted to enroll in or attend any public,
2 private or parochial day care center, preschool or nursery school caring for ten or
3 more children unless such child has been adequately immunized against
4 vaccine-preventable childhood illnesses specified [by the department of health
5 and senior services in accordance with recommendations of the Immunization
6 Practices Advisory Committee (ACIP)] **in section 167.181, RSMo. The**
7 **department of health and senior services shall promulgate rules and**
8 **regulations governing the manner and frequency, including "zero"**
9 **frequency, of the specified immunizations.** The parent or guardian of such
10 child shall provide satisfactory evidence of the required immunizations.

11 2. A child who has not completed all immunizations appropriate for his
12 age may enroll, if:

13 (1) Satisfactory evidence is produced that such child has begun the
14 process of immunization. The child may continue to attend as long as the
15 immunization process is being accomplished according to the ACIP/Missouri
16 department of health and senior services recommended schedule; or

17 (2) The parent or guardian has signed and placed on file with the day care
18 administrator a statement of exemption which may be either of the following:

19 (a) A medical exemption, by which a child shall be exempted from the
20 requirements of this section upon certification by a licensed physician that such
21 immunization would seriously endanger the child's health or life; or

22 (b) A parent or guardian exemption, by which a child shall be exempted
23 from the requirements of this section if one parent or guardian files a written
24 objection to immunization with the day care administrator. Exemptions shall be
25 accepted by the day care administrator when the necessary information as
26 determined by the department of health and senior services is filed with the day
27 care administrator by the parent or guardian. Exemption forms shall be provided
28 by the department of health and senior services.

29 3. In the event of an outbreak or suspected outbreak of a

30 vaccine-preventable disease within a particular facility, the administrator of the
31 facility shall follow the control measures instituted by the local health authority
32 or the department of health and senior services or both the local health authority
33 and the department of health and senior services, as established in Rule 19 CSR
34 20-20.040, "Measures for the Control of Communicable Diseases".

35 4. The administrator of each public, private or parochial day care center,
36 preschool or nursery school shall cause to be prepared a record of immunization
37 of every child enrolled in or attending a facility under his jurisdiction. An annual
38 summary report shall be made by January fifteenth showing the immunization
39 status of each child enrolled, using forms provided for this purpose by the
40 department of health and senior services. The immunization records shall be
41 available for review by department of health and senior services personnel upon
42 request.

43 5. For purposes of this section, satisfactory evidence of immunization
44 means a statement, certificate or record from a physician or other recognized
45 health facility or personnel, stating that the required immunizations have been
46 given to the child and verifying the type of vaccine and the month, day and year
47 of administration.

48 6. Nothing in this section shall preclude any political subdivision from
49 adopting more stringent rules regarding the immunization of preschool children.

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