

SECOND REGULAR SESSION

SENATE BILL NO. 778

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3119S.011

AN ACT

To repeal section 167.181, RSMo, and to enact in lieu thereof two new sections relating to immunizations against the human papillomavirus.

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

Section A. Section 167.181, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 167.181 and 376.1252, to read as
3 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. **In addition, for each female student enrolling in grade**
7 **six, such immunizations shall include, at the option of the parent or**
8 **guardian, inoculation to fully immunize such female against the human**
9 **papillomavirus in accordance with subsection 4 of this section.** Such
10 rules and regulations may modify the immunizations that are required of children
11 in this subsection. The immunizations required and the manner and frequency
12 of their administration shall conform to recognized standards of medical
13 practice. The department of health and senior services shall supervise and secure
14 the enforcement of the required immunization program.

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

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

19 begun the process of immunization, he **or she** may continue to attend school as
20 long as the immunization process is being accomplished in the prescribed manner.
21 It is unlawful for any parent or guardian to refuse or neglect to have his child
22 immunized as required by this section, 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 **or her** school administrator against the immunization
25 of the child, because of religious beliefs or medical contraindications. In cases
26 where any such objection is for reasons of medical contraindications, a statement
27 from a duly licensed physician must also be provided to the school administrator.

28 4. **(1) Each school district shall provide the names and addresses**
29 **of all parents and guardians of female students who are entering grade**
30 **six to the department and the department shall mail to such parent or**
31 **guardian age appropriate information relating to the connection**
32 **between human papillomavirus and cervical cancer, and that an**
33 **immunization against the human papillomavirus infection is available.**

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

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

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

43 **(c) The latest scientific information on the immunization against**
44 **human papillomavirus infection and the immunization's effectiveness**
45 **against causes of cervical cancer;**

46 **(d) That a pap smear is still critical for the detection of**
47 **precancerous changes in the cervix to allow for treatment before**
48 **cervical cancer develops; and**

49 **(e) A statement that any questions or concerns regarding**
50 **immunizing the child against human papillomavirus could be answered**
51 **by contacting a health care provider.**

52 **(3) Each informational mailing sent to the parents or guardian**
53 **of female students who are entering grade six shall request that the**
54 **parents or guardian of such students voluntarily furnish to the school**
55 **not later than twenty school days after the first day of school a written**

56 statement prescribed by the department of health and senior services
57 stating that the parent has received the information required under
58 this subsection and that:

59 (a) The student has received or is receiving the immunization;
60 or

61 (b) The parent has decided not to have the student immunized.

62 (4) Beginning with the 2009-2010 school year, each school district
63 enrolling sixth grade female students shall submit a report to the
64 department of health and senior services within sixty days of
65 enrollment of any sixth grade female student which includes a
66 statement of the number of female students who have and have not
67 been immunized against the human papillomavirus infection and the
68 number of non-responses to the request for the written statement under
69 subdivision (3) of this subsection. The information derived from
70 subdivision (3) of this subsection shall be used for statistical purposes
71 only and shall not be used to personally identify any parent or
72 guardian, or any student.

73 (5) Nothing in this subsection shall be construed to prevent a
74 student from school attendance if such parent or guardian has opted
75 not to have the student receive the human papillomavirus
76 immunization or has not returned the statement prescribed in
77 subdivision (3) of this subsection.

78 5. Each school superintendent, whether of a public, private, parochial or
79 parish school, shall cause to be prepared a record showing the immunization
80 status of every child enrolled in or attending a school under his jurisdiction. The
81 name of any parent or guardian who neglects or refuses to permit a nonexempted
82 child to be immunized against diseases as required by the rules and regulations
83 promulgated pursuant to the provisions of this section shall be reported by the
84 school superintendent to the department of health and senior services.

85 [5.] 6. The immunization required may be done by any duly licensed
86 physician or by someone under [his] the physician's direction. If the parent or
87 guardian is unable to pay, the child shall be immunized at public expense by a
88 physician or nurse at or from the county, district, city public health center or a
89 school nurse or by a nurse or physician in the private office or clinic of the child's
90 personal physician with the costs of immunization paid through the state
91 Medicaid program, private insurance or in a manner to be determined by the

92 department of health and senior services subject to state and federal
93 appropriations, and after consultation with the school superintendent and the
94 advisory committee established in section 192.630, RSMo. When a child receives
95 his or her immunization, the treating physician may also administer the
96 appropriate fluoride treatment to the child's teeth.

97 [6.] 7. Funds for the administration of this section and for the purchase
98 of vaccines for children of families unable to afford them shall be appropriated to
99 the department of health and senior services from general revenue or from federal
100 funds if available.

101 [7.] 8. No rule or portion of a rule promulgated under the authority of
102 this section shall become effective unless it has been promulgated pursuant to the
103 provisions of chapter 536, RSMo. Any rule or portion of a rule, as that term is
104 defined in section 536.010, RSMo, that is created under the authority delegated
105 in this section shall become effective only if it complies with and is subject to all
106 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
107 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
108 powers vested with the general assembly pursuant to chapter 536, RSMo, to
109 review, to delay the effective date or to disapprove and annul a rule are
110 subsequently held unconstitutional, then the grant of rulemaking authority and
111 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

**376.1252. 1. All individual and group health insurance policies
2 providing coverage on an expense-incurred basis, individual and group
3 service or indemnity type contracts issued by a health services
4 corporation, individual and group service contracts issued by a health
5 maintenance organization, and all self-insured group arrangements to
6 the extent not preempted by federal law and all managed health care
7 delivery entities of any type or description shall provide coverage for
8 inoculations to fully immunize females who are not less than eleven
9 years of age but not more than twenty-one years of age against the
10 human papillomavirus.**

11 **2. Such coverage shall be in full and not subject to any
12 deductible or copayment limits.**

13 **3. This section shall not apply to supplemental insurance
14 policies, including life care contracts, accident-only policies, specified
15 disease policies, hospital policies, coverage issued as a supplement to
16 liability insurance, short-term major medical policies of six months or**

17 less duration, and other supplemental policies as determined by the
18 department of insurance.

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