

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 104
95TH GENERAL ASSEMBLY

Reported from the Committee on Health, Mental Health, Seniors and Families, February 19, 2009, with recommendation that the Senate Committee Substitute do pass.

0158S.02C

TERRY L. SPIELER, Secretary.

AN ACT

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

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 by a nurse
63 or physician in the private office or clinic of the child's personal
64 physician with the costs of immunization paid through the Mo
65 HealthNet program, private insurance or in a manner to be determined
66 by the department of health and senior services subject to state and
67 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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