

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 228, Page 1, Section A, Line 4,

2 by inserting after all of said line the following:

3 "167.181. 1. The department of health and senior
 4 services, after consultation with the department of
 5 elementary and secondary education, shall promulgate rules
 6 and regulations governing the immunization against
 7 poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis,
 8 diphtheria, and hepatitis B, to be required of children
 9 attending public, private, parochial or parish schools.
 10 Such rules and regulations may modify the immunizations that
 11 are required of children in this subsection, but shall not
 12 be modified to include immunization against SARS-CoV-2
 13 (COVID-19) or require any mRNA vaccine. The immunizations
 14 required and the manner and frequency of their
 15 administration shall conform to recognized standards of
 16 medical practice. The department of health and senior
 17 services shall supervise and secure the enforcement of the
 18 required immunization program.

19 2. It is unlawful for any student to attend school
 20 unless he has been immunized as required under the rules and
 21 regulations of the department of health and senior services,
 22 and can provide satisfactory evidence of such immunization;
 23 except that if he produces satisfactory evidence of having
 24 begun the process of immunization, he may continue to attend
 25 school as long as the immunization process is being
 26 accomplished in the prescribed manner. It is unlawful for

27 any parent or guardian to refuse or neglect to have his
28 child immunized as required by this section, unless the
29 child is properly exempted.

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

37 4. Each school superintendent, whether of a public,
38 private, parochial or parish school, shall cause to be
39 prepared a record showing the immunization status of every
40 child enrolled in or attending a school under his
41 jurisdiction. The name of any parent or guardian who
42 neglects or refuses to permit a nonexempted child to be
43 immunized against diseases as required by the rules and
44 regulations promulgated pursuant to the provisions of this
45 section shall be reported by the school superintendent to
46 the department of health and senior services.

47 5. The immunization required may be done by any duly
48 licensed physician or by someone under his direction. If
49 the parent or guardian is unable to pay, the child shall be
50 immunized at public expense by a physician or nurse at or
51 from the county, district, city public health center or a
52 school nurse or by a nurse or physician in the private
53 office or clinic of the child's personal physician with the
54 costs of immunization paid through the state Medicaid
55 program, private insurance or in a manner to be determined
56 by the department of health and senior services subject to
57 state and federal appropriations, and after consultation
58 with the school superintendent and the advisory committee
59 established in section 192.630. When a child receives his

60 or her immunization, the treating physician may also
61 administer the appropriate fluoride treatment to the child's
62 teeth.

63 6. Funds for the administration of this section and
64 for the purchase of vaccines for children of families unable
65 to afford them shall be appropriated to the department of
66 health and senior services from general revenue or from
67 federal funds if available.

68 7. No rule or portion of a rule promulgated under the
69 authority of this section shall become effective unless it
70 has been promulgated pursuant to the provisions of chapter
71 536. Any rule or portion of a rule, as that term is defined
72 in section 536.010, that is created under the authority
73 delegated in this section shall become effective only if it
74 complies with and is subject to all of the provisions of
75 chapter 536 and, if applicable, section 536.028. This
76 section and chapter 536 are nonseverable and if any of the
77 powers vested with the general assembly pursuant to chapter
78 536 to review, to delay the effective date or to disapprove
79 and annul a rule are subsequently held unconstitutional,
80 then the grant of rulemaking authority and any rule proposed
81 or adopted after August 28, 2001, shall be invalid and
82 void."; and

83 Further amend said bill, page 9, section 190.613, line
84 28, by inserting after all of said line the following:

85 "210.003. 1. No child shall be permitted to enroll in
86 or attend any public, private or parochial day care center,
87 preschool or nursery school caring for ten or more children
88 unless such child has been adequately immunized against
89 vaccine-preventable childhood illnesses specified by the
90 department of health and senior services in accordance with
91 recommendations of the Centers for Disease Control and
92 Prevention Advisory Committee on Immunization Practices

93 (ACIP), but not including SARS-CoV-2 (COVID-19) or any
94 illness requiring a mRNA vaccine. The parent or guardian of
95 such child shall provide satisfactory evidence of the
96 required immunizations.

97 2. A child who has not completed all immunizations
98 appropriate for his or her age may enroll, if:

99 (1) Satisfactory evidence is produced that such child
100 has begun the process of immunization. The child may
101 continue to attend as long as the immunization process is
102 being accomplished according to the ACIP/Missouri department
103 of health and senior services recommended schedule;

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

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

111 (b) A parent or guardian exemption, by which a child
112 shall be exempted from the requirements of this section if
113 one parent or guardian files a written objection to
114 immunization with the day care administrator; or

115 (3) The child is homeless or in the custody of the
116 children's division and cannot provide satisfactory evidence
117 of the required immunizations. Satisfactory evidence shall
118 be presented within thirty days of enrollment and shall
119 confirm either that the child has completed all
120 immunizations appropriate for his or her age or has begun
121 the process of immunization. If the child has begun the
122 process of immunization, he or she may continue to attend as
123 long as the process is being accomplished according to the
124 schedule recommended by the department of health and senior
125 services.

126 Exemptions shall be accepted by the day care administrator
127 when the necessary information as determined by the
128 department of health and senior services is filed with the
129 day care administrator by the parent or guardian. Exemption
130 forms shall be provided by the department of health and
131 senior services.

132 3. In the event of an outbreak or suspected outbreak
133 of a vaccine-preventable disease within a particular
134 facility, the administrator of the facility shall follow the
135 control measures instituted by the local health authority or
136 the department of health and senior services or both the
137 local health authority and the department of health and
138 senior services, as established in Rule 19 CSR 20-20.040,
139 "Measures for the Control of Communicable, Environmental and
140 Occupational Diseases".

141 4. The administrator of each public, private or
142 parochial day care center, preschool or nursery school shall
143 cause to be prepared a record of immunization of every child
144 enrolled in or attending a facility under his or her
145 jurisdiction. An annual summary report shall be made by
146 January fifteenth showing the immunization status of each
147 child enrolled, using forms provided for this purpose by the
148 department of health and senior services. The immunization
149 records shall be available for review by department of
150 health and senior services personnel upon request.

151 5. For purposes of this section, "satisfactory
152 evidence of immunization" means a statement, certificate or
153 record from a physician or other recognized health facility
154 or personnel, stating that the required immunizations have
155 been given to the child and verifying the type of vaccine
156 and the month, day and year of administration.

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

160 7. All public, private, and parochial day care
161 centers, preschools, and nursery schools shall notify the
162 parent or guardian of each child at the time of initial
163 enrollment in or attendance at the facility that the parent
164 or guardian may request notice of whether there are children
165 currently enrolled in or attending the facility for whom an
166 immunization exemption has been filed. Beginning December
167 1, 2015, all public, private, and parochial day care
168 centers, preschools, and nursery schools shall notify the
169 parent or guardian of each child currently enrolled in or
170 attending the facility that the parent or guardian may
171 request notice of whether there are children currently
172 enrolled in or attending the facility for whom an
173 immunization exemption has been filed. Any public, private,
174 or parochial day care center, preschool, or nursery school
175 shall notify the parent or guardian of a child enrolled in
176 or attending the facility, upon request, of whether there
177 are children currently enrolled in or attending the facility
178 for whom an immunization exemption has been filed."; and
179 Further amend the title and enacting clause accordingly.