

SENATE BILL NO. 1002

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

4102S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 167.029 and 167.181, RSMo, and to enact in lieu thereof two new sections relating to health policies implemented in public schools.

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

Section A. Sections 167.029 and 167.181, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 167.029 and 167.181, to read as follows:

167.029. **1.** A public school district may require
2 students to wear a school uniform or restrict student dress
3 to a particular style in accordance with the law. The
4 school district may determine the style and color of the
5 school uniform.

**2. A public school district or charter school shall
7 not implement or enforce any student dress requirements that
8 include a mask or other face covering or respirator.**

167.181. **1.** The department of health and senior
2 services, after consultation with the department of
3 elementary and secondary education, shall promulgate rules
4 and regulations governing the immunization against
5 poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis,
6 diphtheria, and hepatitis B, to be required of children
7 attending public, private, parochial or parish schools.
8 Such rules and regulations may modify the immunizations that
9 are required of children in this subsection. The
10 immunizations required and the manner and frequency of their

11 administration shall conform to recognized standards of
12 medical practice. The department of health and senior
13 services shall supervise and secure the enforcement of the
14 required immunization program.

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

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

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

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

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

64 7. **(1) A public school district or charter school**
65 **shall not require students to:**

66 **(a) Be immunized against COVID-19 as a condition of**
67 **attending school; or**

68 **(b) Wear face masks or other face coverings or**
69 **respirators as an alternative to receiving a COVID-19**
70 **vaccination.**

71 **(2) The provisions of this subsection shall not be**
72 **construed to prohibit any school district or charter school**
73 **from requiring a student to be examined by a physician as**
74 **provided in section 167.191.**

75 8. No rule or portion of a rule promulgated under the
76 authority of this section shall become effective unless it
77 has been promulgated pursuant to the provisions of chapter
78 536. Any rule or portion of a rule, as that term is defined
79 in section 536.010, that is created under the authority
80 delegated in this section shall become effective only if it
81 complies with and is subject to all of the provisions of
82 chapter 536 and, if applicable, section 536.028. This
83 section and chapter 536 are nonseverable and if any of the
84 powers vested with the general assembly pursuant to chapter
85 536 to review, to delay the effective date or to disapprove
86 and annul a rule are subsequently held unconstitutional,
87 then the grant of rulemaking authority and any rule proposed
88 or adopted after August 28, 2001, shall be invalid and void.

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