

SECOND REGULAR SESSION

# HOUSE BILL NO. 2419

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ONDER.

Read 1st time March 12, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 167.181, RSMo, and to enact in lieu thereof one new section relating to immunizations for school children.

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

Section A. Section 167.181, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.181, to read as follows:

167.181. 1. The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection, **except that, vaccination against the human papillomavirus shall not be required.** The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health and senior services shall supervise and secure the enforcement of the required immunization program.

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

29 5. The immunization required may be done by any duly licensed physician or by  
30 someone under his direction. If the parent or guardian is unable to pay, the child shall be  
31 immunized at public expense by a physician or nurse at or from the county, district, city public  
32 health center or a school nurse or by a nurse or physician in the private office or clinic of the  
33 child's personal physician with the costs of immunization paid through the state Medicaid  
34 program, private insurance or in a manner to be determined by the department of health and  
35 senior services subject to state and federal appropriations, and after consultation with the school  
36 superintendent and the advisory committee established in section 192.630, RSMo. When a child  
37 receives his or her immunization, the treating physician may also administer the appropriate  
38 fluoride treatment to the child's teeth.

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

42 7. No rule or portion of a rule promulgated under the authority of this section shall  
43 become effective unless it has been promulgated pursuant to the provisions of chapter 536,  
44 RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is  
45 created under the authority delegated in this section shall become effective only if it complies  
46 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
47 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
48 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
49 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
50 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be  
51 invalid and void.

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