

FIRST REGULAR SESSION

HOUSE BILL NO. 35

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLOCK (123).

0120H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 167.181, 174.335, and 210.003, RSMo, and to enact in lieu thereof three new sections relating to immunizations.

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

Section A. Sections 167.181, 174.335, and 210.003, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 167.181, 174.335, and 210.003, to read as follows: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. 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 **or she** 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 **or she** produces satisfactory evidence of having begun the process of immunization, he **or she** may continue to attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his **or her** child immunized as required by this section, unless the child is properly exempted.

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.

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

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

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

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

41 7. **(1) A public school or any school receiving public funds, including any charter**
42 **school, shall not adopt any policy or rule that:**

43 **(a) Requires, for purposes of enrollment or attendance, an immunization that is not**
44 **required of children attending school under the provisions of this section or any rule**
45 **promulgated under this section; or**

46 **(b) Requires a child who is exempted under this section to receive an immunization**
47 **required under this section.**

48 **(2) A municipality, county, city, town, or village shall not require any public,**
49 **private, parochial, or parish school to adopt any policy or rule that public schools and**
50 **schools receiving public funds are prohibited from adopting under subdivision (1) of this**
51 **subsection.**

52 **(3) Nothing in this subsection shall prevent a school subject to the provisions of this**
53 **section and section 210.003 from complying with the requirements of section 210.003.**

54 **8.** No rule or portion of a rule promulgated under the authority of this section shall
55 become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any
56 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
57 authority delegated in this section shall become effective only if it complies with and is subject
58 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
59 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
60 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
61 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
62 or adopted after August 28, 2001, shall be invalid and void.

174.335. 1. Beginning with the 2004-05 school year and for each school year thereafter,
2 every public institution of higher education in this state shall require all students who reside in
3 on-campus housing to have received the meningococcal vaccine not more than five years prior
4 to enrollment and in accordance with the latest recommendations of the Advisory Committee on
5 Immunization Practices of the Centers for Disease Control and Prevention, unless a signed
6 statement of medical or religious exemption is on file with the institution's administration. A
7 student shall be exempted from the immunization requirement of this section upon signed
8 certification by a physician licensed under chapter 334 indicating that either the immunization
9 would seriously endanger the student's health or life or the student has documentation of the
10 disease or laboratory evidence of immunity to the disease. A student shall be exempted from the
11 immunization requirement of this section if he or she objects in writing to the institution's
12 administration that immunization violates his or her religious beliefs.

13 2. Each public university or college in this state shall maintain records on the
14 meningococcal vaccination status of every student residing in on-campus housing at the
15 university or college.

16 3. Nothing in this section shall be construed as requiring any institution of higher
17 education to provide or pay for vaccinations against meningococcal disease.

18 4. **(1) A public institution of higher education shall not adopt any policy or rule**
19 **that requires a student to receive an immunization against a disease other than**
20 **meningococcal disease or that requires a student who is exempted from the immunization**
21 **requirement of this section to receive the immunization required under this section.**

22 **(2) A municipality, county, city, town, or village shall not require a public**
23 **institution of higher education to adopt any policy or rule the institution is prohibited from**
24 **adopting under subdivision (1) of this subsection.**

25 **5.** For purposes of this section, the term "on-campus housing" shall include, but not be
26 limited to, any fraternity or sorority residence, regardless of whether such residence is privately
27 owned, on or near the campus of a public institution of higher education.

 210.003. 1. No child shall be permitted to enroll in or attend any public, private or
2 parochial day care center, preschool or nursery school caring for ten or more children unless such
3 child has been adequately immunized against vaccine-preventable childhood illnesses specified
4 by the department of health and senior services in accordance with recommendations of the
5 Centers for Disease Control and Prevention Advisory Committee on Immunization Practices
6 (ACIP). The parent or guardian of such child shall provide satisfactory evidence of the required
7 immunizations.

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

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

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

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

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

22 (3) The child is homeless or in the custody of the children's division and cannot provide
23 satisfactory evidence of the required immunizations. Satisfactory evidence shall be presented
24 within thirty days of enrollment and shall confirm either that the child has completed all
25 immunizations appropriate for his or her age or has begun the process of immunization. If the
26 child has begun the process of immunization, he or she may continue to attend as long as the
27 process is being accomplished according to the schedule recommended by the department of
28 health and senior services.

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30 Exemptions shall be accepted by the day care administrator when the necessary information as
31 determined by the department of health and senior services is filed with the day care
32 administrator by the parent or guardian. Exemption forms shall be provided by the department
33 of health and senior services.

34 3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease
35 within a particular facility, the administrator of the facility shall follow the control measures
36 instituted by the local health authority or the department of health and senior services or both the
37 local health authority and the department of health and senior services, as established in Rule 19
38 CSR 20-20.040, "Measures for the Control of Communicable, Environmental and Occupational
39 Diseases".

40 4. The administrator of each public, private or parochial day care center, preschool or
41 nursery school shall cause to be prepared a record of immunization of every child enrolled in or
42 attending a facility under his or her jurisdiction. An annual summary report shall be made by
43 January fifteenth showing the immunization status of each child enrolled, using forms provided
44 for this purpose by the department of health and senior services. The immunization records shall
45 be available for review by department of health and senior services personnel upon request.

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

50 6. ~~[Nothing in this section shall preclude any political subdivision from adopting more~~
51 ~~stringent rules regarding the immunization of preschool children] (1) A public day care center,~~
52 ~~preschool, or nursery school shall not adopt any policy or rule that:~~

53 (a) **Requires, for purposes of enrollment or attendance, an immunization that is not**
54 **required of children enrolling in or attending a facility under the provisions of this section;**
55 **or**

56 (b) **Requires a child who is exempted under this section to receive an immunization**
57 **required under this section.**

58 (2) **A municipality, county, city, town, or village shall not require any public,**
59 **private, or parochial day care center, preschool, or nursery school to adopt any policy or**
60 **rule that public day care centers, preschools, and nursery schools are prohibited from**
61 **adopting under subdivision (1) of this subsection.**

62 (3) **Nothing in this subsection shall prevent a school subject to the provisions of this**
63 **section and section 167.181 from complying with the requirements of section 167.181.**

64 7. All public, private, and parochial day care centers, preschools, and nursery schools
65 shall notify the parent or guardian of each child at the time of initial enrollment in or attendance
66 at the facility that the parent or guardian may request notice of whether there are children
67 currently enrolled in or attending the facility for whom an immunization exemption has been
68 filed. Beginning December 1, 2015, all public, private, and parochial day care centers,
69 preschools, and nursery schools shall notify the parent or guardian of each child currently

70 enrolled in or attending the facility that the parent or guardian may request notice of whether
71 there are children currently enrolled in or attending the facility for whom an immunization
72 exemption has been filed. Any public, private, or parochial day care center, preschool, or nursery
73 school shall notify the parent or guardian of a child enrolled in or attending the facility, upon
74 request, of whether there are children currently enrolled in or attending the facility for whom an
75 immunization exemption has been filed.

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