

FIRST REGULAR SESSION

# HOUSE BILL NO. 526

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHEVE.

Read 1<sup>st</sup> time January 24, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1406L.011

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### AN ACT

To repeal section 167.181, RSMo 2000, relating to immunizations for children, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 167.181, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 167.181, to read as follows: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, 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, **meningitis** 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 shall supervise and secure the enforcement of the required immunization program.

2. It is unlawful for any student to attend school unless [he] **the student** has been immunized as required under the rules and regulations of the department of health, and can provide satisfactory evidence of such immunization; except that if [he] **the student** produces satisfactory evidence of having begun the process of immunization, [he] **such student** 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.

3. This section shall not apply to any child if one parent or guardian objects in writing

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 to [his] **the child's** school administrator against the immunization of the child, because of  
18 religious beliefs or medical contraindications. In cases where any such objection is for reasons  
19 of medical contraindications, a statement from a duly licensed physician must also be provided  
20 to the school administrator.

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

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

35         6. Funds for the administration of this section and for the purchase of vaccines for  
36 children of families unable to afford them shall be appropriated to the department of health from  
37 general revenue or from federal funds if available.

38         7. No rule or portion of a rule promulgated under the authority of this section shall  
39 become effective unless it has been promulgated pursuant to the provisions of [section 536.024]  
40 **chapter 536**, RSMo.