

SECOND REGULAR SESSION

HOUSE BILL NO. 866

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TOWNLEY (Sponsor), CUNNINGHAM (86), PHILLIPS,
MYERS AND WALLACE (Co-sponsors).

Pre-filed December 15, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2539L.011

AN ACT

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

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Section A. Section 167.181, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.181, to read as follows: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. 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 this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

17 3. This section shall not apply to any child if one parent or guardian objects in writing
18 to [his] **the child's** school administrator against the immunization of the child, because of
19 religious beliefs, **philosophical beliefs**, or medical contraindications. In cases where any such
20 objection is **philosophical, a notarized statement must also be provided annually to the**
21 **school administrator. If the objection is** for reasons of medical contraindications, a statement
22 from a duly licensed physician must also be provided to the school 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] **the superintendent's** jurisdiction. The name of any parent or
26 guardian who neglects or refuses to permit a nonexempted child to be immunized against
27 diseases as required by the rules and regulations promulgated pursuant to the provisions of this
28 section shall be reported by the school superintendent to the department of health and senior
29 services.

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

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

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