

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 802
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Health Insurance April 12, 2007 with recommendation that House Committee Substitute for House Bill No. 802 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

2005L.07C

AN ACT

To repeal section 167.181, RSMo, and to enact in lieu thereof one new section relating to access to HPV immunizations.

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Section A. Section 167.181, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.181, to read as follows: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. **In addition, for each female student enrolling in grade six, such immunizations may include inoculation to fully immunize such female against the human papillomavirus in accordance with subsection 4 of this section as long as a signed document from a parent or guardian is provided and maintained in the student's medical record clearly stating that the parent or guardian has opted to allow such immunization.** 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.

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.

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

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

26 4. **(1) The department shall prescribe procedures by which each school district**
27 **shall provide age appropriate information to parents and guardians of female students who**
28 **are entering grade six relating to the connection between human papillomavirus and**
29 **cervical cancer, and that an immunization against the human papillomavirus infection is**
30 **available. The procedures shall ensure that the information is reasonably likely to come**
31 **to the attention of the parents or guardians of each such female student.**

32 **(2) The department shall collect and disseminate age appropriate information to**
33 **children, parents, conservators, and guardians of female children relating to the connection**
34 **between human papillomavirus and cervical cancer and shall prescribe the form and**
35 **content of the information.**

36 **(3) Such information shall include:**

37 **(a) The risk factors for developing cervical cancer, the symptoms of the disease,**
38 **how it may be diagnosed and its possible consequences if untreated;**

39 **(b) The connection between human papillomavirus and cervical cancer, how**
40 **human papillomavirus is transmitted, how transmission may be prevented, including**
41 **abstinence is the only completely effective way to prevent sexually transmitted diseases,**
42 **and the relative risk of contracting human papillomavirus for primary and secondary**
43 **school students;**

44 **(c) The latest scientific information on the immunization against the human**
45 **papillomavirus infection and the immunization's effectiveness against causes of cervical**
46 **cancer;**

47 **(d) That a pap smear is still critical for the detection of precancerous changes in the**
48 **cervix to allow for treatment before cervical cancer develops; and**

49 (e) **A statement that any questions or concerns concerning immunizing the child**
50 **against human papillomavirus could be answered by contacting a health care provider.**

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

57 [5.] 6. The immunization required may be done by any duly licensed physician or by
58 someone under [his] **the physician's** direction. If the parent or guardian is unable to pay, the
59 child shall be immunized at public expense by a physician or nurse at or from the county, district,
60 city public health center or a school nurse or by a nurse or physician in the private office or clinic
61 of the child's personal physician with the costs of immunization paid through the state Medicaid
62 program, private insurance or in a manner to be determined by the department of health and
63 senior services subject to state and federal appropriations, and after consultation with the school
64 superintendent and the advisory committee established in section 192.630, RSMo. When a child
65 receives his or her immunization, the treating physician may also administer the appropriate
66 fluoride treatment to the child's teeth.

67 [6.] 7. Funds for the administration of this section and for the purchase of vaccines for
68 children of families unable to afford them shall be appropriated to the department of health and
69 senior services from general revenue or from federal funds if available.

70 [7.] 8. No rule or portion of a rule promulgated under the authority of this section shall
71 become effective unless it has been promulgated pursuant to the provisions of chapter 536,
72 RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
73 created under the authority delegated in this section shall become effective only if it complies
74 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
75 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
76 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
77 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
78 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be
79 invalid and void.

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