

SECOND REGULAR SESSION

# HOUSE BILL NO. 2230

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PAGE (Sponsor), TALBOY, HUGHES, NORR, DARROUGH,  
BURNETT, DONNELLY, McCLANAHAN, CHAPPELLE-NADAL, STORCH,  
WETER AND AVERY (Co-sponsors).

Read 1st time February 21, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5095L.01I

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### AN ACT

To repeal section 167.181, RSMo, and to enact in lieu thereof two new sections relating to immunizations against the human papillomavirus.

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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Section A. Section 167.181, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 167.181 and 376.1252, to read as follows: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 shall include, at the option of the parent or guardian, inoculation to fully immunize such female against the human papillomavirus in accordance with subsection 4 of this section.** 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.

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

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

25           4. **(1) Each school district shall provide the names and addresses of all parents and**  
26 **guardians of female students who are entering grade six to the department and the**  
27 **department shall mail to such parent or guardian age appropriate information relating to**  
28 **the connection between human papillomavirus and cervical cancer, and that an**  
29 **immunization against the human papillomavirus infection is available.**

30           **(2) Such information shall include:**

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

33           **(b) The connection between human papillomavirus and cervical cancer, how**  
34 **human papillomavirus is transmitted, how transmission may be prevented, including**  
35 **abstinence as the best way to prevent sexually transmitted diseases, and the relative risk**  
36 **of contracting human papillomavirus for primary and secondary school students;**

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

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

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

44           **(3) Each informational mailing sent to the parents or guardian of female students**  
45 **who are entering grade six shall request that the parents or guardian of such students**  
46 **voluntarily furnish to the school not later than twenty school days after the first day of**  
47 **school a written statement prescribed by the department of health and senior services**

48 **stating that the parent has received the information required under this subsection and**  
49 **that:**

50 **(a) The student has received or is receiving the immunization; or**

51 **(b) The parent has decided not to have the student immunized.**

52 **(4) Beginning with the 2009-2010 school year, each school district enrolling sixth**  
53 **grade female students shall submit a report to the department of health and senior services**  
54 **within sixty days of enrollment of any sixth grade female student which includes a**  
55 **statement of the number of female students who have and have not been immunized**  
56 **against the human papillomavirus infection and the number of non-responses to the**  
57 **request for the written statement under subdivision (3) of this subsection. The information**  
58 **derived from subdivision (3) of this subsection shall be used for statistical purposes only**  
59 **and shall not be used to personally identify any parent or guardian, or any student.**

60 **(5) Nothing in this subsection shall be construed to prevent a student from school**  
61 **attendance if such parent or guardian has opted not to have the student receive the human**  
62 **papillomavirus immunization or has not returned the statement prescribed in subdivision**  
63 **(3) of this subsection.**

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

70 **[5.] 6.** The immunization required may be done by any duly licensed physician or by  
71 someone under **[his] the physician's** direction. If the parent or guardian is unable to pay, the  
72 child shall be immunized at public expense by a physician or nurse at or from the county, district,  
73 city public health center or a school nurse or by a nurse or physician in the private office or clinic  
74 of the child's personal physician with the costs of immunization paid through the state Medicaid  
75 program, private insurance or in a manner to be determined by the department of health and  
76 senior services subject to state and federal appropriations, and after consultation with the school  
77 superintendent and the advisory committee established in section 192.630, RSMo. When a child  
78 receives his or her immunization, the treating physician may also administer the appropriate  
79 fluoride treatment to the child's teeth.

80 **[6.] 7.** Funds for the administration of this section and for the purchase of vaccines for  
81 children of families unable to afford them shall be appropriated to the department of health and  
82 senior services from general revenue or from federal funds if available.

83 [7.] 8. No rule or portion of a rule promulgated under the authority of this section shall  
84 become effective unless it has been promulgated pursuant to the provisions of chapter 536,  
85 RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is  
86 created under the authority delegated in this section shall become effective only if it complies  
87 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
88 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
89 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
90 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
91 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be  
92 invalid and void.

**376.1252. 1. All individual and group health insurance policies providing coverage  
2 on an expense-incurred basis, individual and group service or indemnity type contracts  
3 issued by a health services corporation, individual and group service contracts issued by  
4 a health maintenance organization, and all self-insured group arrangements to the extent  
5 not preempted by federal law and all managed health care delivery entities of any type or  
6 description shall provide coverage for inoculations to fully immunize females who are not  
7 less than eleven years of age but not more than twenty-one years of age against the human  
8 papillomavirus.**

9 **2. Such coverage shall be in full and not subject to any deductible or copayment**  
10 **limits.**

11 **3. This section shall not apply to supplemental insurance policies, including life care**  
12 **contracts, accident-only policies, specified disease policies, hospital policies, coverage issued**  
13 **as a supplement to liability insurance, short-term major medical policies of six months or**  
14 **less duration, and other supplemental policies as determined by the department of**  
15 **insurance, financial institutions and professional registration.**

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