

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute
2 for Senate Bill Nos. 4, 42 & 89, Page 18, Section 163.161, Line 43, by inserting after all of said
3 section and line the following:
4

5 "167.181. 1. (1) The department of health and senior services, after consultation with the
6 department of elementary and secondary education, shall promulgate rules and regulations
7 governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis,
8 diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish
9 schools. Such rules and regulations may modify the immunizations that are required of children in
10 this subsection. The immunizations required and the manner and frequency of their administration
11 shall conform to recognized standards of medical practice. The department of health and senior
12 services shall supervise and secure the enforcement of the required immunization program.

13 (2) Neither the department of health and senior services nor any public school districts shall
14 require any student to receive a COVID-19 vaccination or receive a dose of messenger ribonucleic
15 acid.

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

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

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

33 5. The immunization required may be done by any duly licensed physician or by someone
34 under his direction. If the parent or guardian is unable to pay, the child shall be immunized at public
35 expense by a physician or nurse at or from the county, district, city public health center or a school
36 nurse or by a nurse or physician in the private office or clinic of the child's personal physician with

Action Taken _____ Date _____

1 the costs of immunization paid through the state Medicaid program, private insurance or in a
2 manner to be determined by the department of health and senior services subject to state and federal
3 appropriations, and after consultation with the school superintendent and the advisory committee
4 established in section 192.630. When a child receives his or her immunization, the treating
5 physician may also administer the appropriate fluoride treatment to the child's teeth.

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

9 7. No rule or portion of a rule promulgated under the authority of this section shall become
10 effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or
11 portion of a rule, as that term is defined in section 536.010, that is created under the authority
12 delegated in this section shall become effective only if it complies with and is subject to all of the
13 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
14 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
15 review, to delay the effective date or to disapprove and annul a rule are subsequently held
16 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
17 August 28, 2001, shall be invalid and void."; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.