

FIRST REGULAR SESSION

HOUSE BILL NO. 1225

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROGERS.

2407H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.181, RSMo, and to enact in lieu thereof one new section relating to immunization of pupils against certain diseases.

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Section A. Section 167.181, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.181, to read as follows: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 **due to medical contraindications**.

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.

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

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

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

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

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