

SENATE BILL NO. 646

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

3840S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 167.029, 167.181, 167.191, and 210.003, RSMo, and to enact in lieu thereof four new sections relating to COVID-19 policies in schools, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 167.029, 167.181, 167.191, and
2 210.003, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 167.029, 167.181, 167.191,
4 and 210.003, to read as follows:

167.029. **1. This section and sections 167.181 and
2 167.191 shall be known and may be cited as the "School
3 Freedom Act".**

4 **2.** A public school district may require students to
5 wear a school uniform or restrict student dress to a
6 particular style in accordance with the law. The school
7 district may determine the style and color of the school
8 uniform.

9 **3. No public or charter school shall implement or
10 enforce any student dress requirements that include a mask
11 or other face covering or respirator; provided, that nothing
12 in this subsection shall be interpreted to prohibit students
13 from wearing a mask, face covering, or respirator if doing
14 so is in accordance with the provisions of subsection 2 of
15 this section or for medical reasons.**

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

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

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

33 4. Each school superintendent, whether of a public,
34 private, parochial or parish school, shall cause to be
35 prepared a record showing the immunization status of every
36 child enrolled in or attending a school under his
37 jurisdiction. The name of any parent or guardian who
38 neglects or refuses to permit a nonexempted child to be
39 immunized against diseases as required by the rules and
40 regulations promulgated pursuant to the provisions of this
41 section shall be reported by the school superintendent to
42 the department of health and senior services.

43 5. The immunization required may be done by any duly
44 licensed physician or by someone under his direction. If
45 the parent or guardian is unable to pay, the child shall be
46 immunized at public expense by a physician or nurse at or
47 from the county, district, city public health center or a
48 school nurse or by a nurse or physician in the private
49 office or clinic of the child's personal physician with the
50 costs of immunization paid through the state Medicaid
51 program, private insurance or in a manner to be determined
52 by the department of health and senior services subject to
53 state and federal appropriations, and after consultation
54 with the school superintendent and the advisory committee
55 established in section 192.630. When a child receives his
56 or her immunization, the treating physician may also
57 administer the appropriate fluoride treatment to the child's
58 teeth.

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

64 7. No student shall be required, as a condition of
65 school attendance or participation in school-sponsored
66 extracurricular activities, to be immunized against COVID-
67 19. No school shall require students to wear face masks or
68 other face coverings or respirators as an alternative to
69 receiving a COVID-19 vaccination. No school shall require
70 students to undergo COVID-19 diagnostic testing or otherwise
71 implement a "test to stay" policy as an alternative to
72 receiving a COVID-19 vaccination; provided, that nothing in
73 this subsection shall be interpreted to preclude a school
74 from requiring a student to be tested as described in
75 subsection 2 of section 167.191 as a condition for school
76 attendance or participation in school-sponsored
77 extracurricular activities.

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

167.191. 1. It is unlawful for any child to attend
2 any of the public schools of this state while afflicted with
3 any contagious or infectious disease, or while liable to
4 transmit such disease after having been exposed to it. For

5 the purpose of determining the diseased condition, or the
6 liability of transmitting the disease, the teacher or board
7 of directors may require any child to be examined by a
8 physician, and exclude the child from school so long as
9 there is any liability of such disease being transmitted by
10 the pupil. If the parent or guardian refuses to have an
11 examination made by a physician at the request of the
12 teacher or board of directors, the teacher or board of
13 directors may exclude the child from school. Any parent or
14 guardian who persists in sending a child to school, after
15 having been examined as provided by this section, and found
16 to be afflicted with any contagious or infectious disease,
17 or liable to transmit the disease, or refuses to have the
18 child examined as herein provided, is guilty of a
19 misdemeanor, and, upon conviction, shall be punished by a
20 fine of not less than five nor more than one hundred dollars.

21 **2. In the case of exposure to COVID-19:**

22 **(1) No student experiencing symptoms consistent with**
23 **COVID-19 or who has received a positive diagnostic test for**
24 **COVID-19 shall attend school or participate in school-**
25 **sponsored extracurricular activities until:**

26 **(a) The student receives a negative diagnostic COVID-**
27 **19 test and is asymptomatic;**

28 **(b) Ten days have passed since the onset of symptoms**
29 **or the positive test result, the student has had no fever**
30 **for twenty-four hours, and the student's other symptoms are**
31 **improving; or**

32 **(c) The student receives written certification from an**
33 **attending physician or advanced practice registered nurse**
34 **attesting to the student's noninfectious condition;**

35 **(2) Schools shall allow parents or legal guardians the**
36 **authority to choose how their child receives education after**

37 having close contact with an individual who is experiencing
38 symptoms of or has received a positive diagnostic test for
39 COVID-19.

40 (a) Parents or legal guardians of students who are
41 known to have been in close contact with an individual who
42 is experiencing symptoms of or has received a positive
43 diagnostic test for COVID-19 may choose one of the following
44 options:

45 a. Allow the student to attend school or participate
46 in school-sponsored extracurricular activities, without
47 restriction or disparate treatment, as long as the student
48 remains asymptomatic; or

49 b. Quarantine the student for a period of time not to
50 exceed seven days from the date of last close contact with
51 the individual. Student quarantining under this provision
52 shall not be considered truant.

53 (b) If a student becomes symptomatic following close
54 contact with an individual who is experiencing symptoms of
55 or has received a positive diagnostic test for COVID-19,
56 then the procedures set forth in subdivision (1) of this
57 subsection shall apply.

58 3. No public or charter school or statewide school
59 activities association shall require a student to wear a
60 face mask or other face covering or respirator in order to
61 prevent the spread of COVID-19 as a condition of attendance
62 or participation in classroom instruction or school-
63 sponsored extracurricular activities.

210.003. 1. No child shall be permitted to enroll in
2 or attend any public, private or parochial day care center,
3 preschool or nursery school caring for ten or more children
4 unless such child has been adequately immunized against
5 vaccine-preventable childhood illnesses specified by the

6 department of health and senior services in accordance with
7 recommendations of the Centers for Disease Control and
8 Prevention Advisory Committee on Immunization Practices
9 (ACIP), **but not including COVID-19**. The parent or guardian
10 of such child shall provide satisfactory evidence of the
11 required immunizations.

12 2. A child who has not completed all immunizations
13 appropriate for his or her age may enroll, if:

14 (1) Satisfactory evidence is produced that such child
15 has begun the process of immunization. The child may
16 continue to attend as long as the immunization process is
17 being accomplished according to the ACIP/Missouri department
18 of health and senior services recommended schedule;

19 (2) The parent or guardian has signed and placed on
20 file with the day care administrator a statement of
21 exemption which may be either of the following:

22 (a) A medical exemption, by which a child shall be
23 exempted from the requirements of this section upon
24 certification by a licensed physician that such immunization
25 would seriously endanger the child's health or life; or

26 (b) A parent or guardian exemption, by which a child
27 shall be exempted from the requirements of this section if
28 one parent or guardian files a written objection to
29 immunization with the day care administrator; or

30 (3) The child is homeless or in the custody of the
31 children's division and cannot provide satisfactory evidence
32 of the required immunizations. Satisfactory evidence shall
33 be presented within thirty days of enrollment and shall
34 confirm either that the child has completed all
35 immunizations appropriate for his or her age or has begun
36 the process of immunization. If the child has begun the
37 process of immunization, he or she may continue to attend as

38 long as the process is being accomplished according to the
39 schedule recommended by the department of health and senior
40 services.

41 Exemptions shall be accepted by the day care administrator
42 when the necessary information as determined by the
43 department of health and senior services is filed with the
44 day care administrator by the parent or guardian. Exemption
45 forms shall be provided by the department of health and
46 senior services.

47 3. In the event of an outbreak or suspected outbreak
48 of a vaccine-preventable disease within a particular
49 facility, the administrator of the facility shall follow the
50 control measures instituted by the local health authority or
51 the department of health and senior services or both the
52 local health authority and the department of health and
53 senior services, as established in Rule 19 CSR 20-20.040,
54 "Measures for the Control of Communicable, Environmental and
55 Occupational Diseases".

56 4. The administrator of each public, private or
57 parochial day care center, preschool or nursery school shall
58 cause to be prepared a record of immunization of every child
59 enrolled in or attending a facility under his or her
60 jurisdiction. An annual summary report shall be made by
61 January fifteenth showing the immunization status of each
62 child enrolled, using forms provided for this purpose by the
63 department of health and senior services. The immunization
64 records shall be available for review by department of
65 health and senior services personnel upon request.

66 5. For purposes of this section, "satisfactory
67 evidence of immunization" means a statement, certificate or
68 record from a physician or other recognized health facility

69 or personnel, stating that the required immunizations have
70 been given to the child and verifying the type of vaccine
71 and the month, day and year of administration.

72 6. Nothing in this section shall preclude any
73 political subdivision from adopting more stringent rules
74 regarding the immunization of preschool children.

75 7. All public, private, and parochial day care
76 centers, preschools, and nursery schools shall notify the
77 parent or guardian of each child at the time of initial
78 enrollment in or attendance at the facility that the parent
79 or guardian may request notice of whether there are children
80 currently enrolled in or attending the facility for whom an
81 immunization exemption has been filed. Beginning December
82 1, 2015, all public, private, and parochial day care
83 centers, preschools, and nursery schools shall notify the
84 parent or guardian of each child currently enrolled in or
85 attending the facility that the parent or guardian may
86 request notice of whether there are children currently
87 enrolled in or attending the facility for whom an
88 immunization exemption has been filed. Any public, private,
89 or parochial day care center, preschool, or nursery school
90 shall notify the parent or guardian of a child enrolled in
91 or attending the facility, upon request, of whether there
92 are children currently enrolled in or attending the facility
93 for whom an immunization exemption has been filed.

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