



## 2023 South Dakota Legislature

# Senate Bill 125

Introduced by: **Senator Frye-Mueller**

1 **An Act to prohibit the imposition of additional immunization requirements on**  
 2 **children.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 13-28-7.1 be AMENDED:**

5 **13-28-7.1.** ~~Any child~~Before entering school or being admitted to an early  
 6 childhood program in this state, shall, prior to admission, be required to, a child shall  
 7 present to the appropriate school or program authorities certification:

8 (1) Certification from a licensed physician that stating the child has received or is in  
 9 the process of receiving adequate immunization against poliomyelitis, diphtheria,  
 10 pertussis, rubeola, rubella, mumps, tetanus, meningitis, and varicella, ~~according~~  
 11 ~~to recommendations provided by the Department of Health. The Department of~~  
 12 ~~Health may modify or delete any of the required immunizations. As an alternative~~  
 13 ~~to the requirement for a physician's certification, the child may present:~~

14 ~~(1)~~(2) Certification from a licensed physician stating the physical condition of the child  
 15 would be such that immunization would endanger the child's life or health; or

16 ~~(2)~~(3) A written statement signed by one parent or guardian ~~that stating~~ the child is an  
 17 adherent to a religious doctrine whose teachings are opposed to such  
 18 immunization.

19 ~~The Department of Health may promulgate reasonable rules, pursuant to chapter~~  
 20 ~~1-26, to require compliance and documentation of adequate immunization, to define~~  
 21 ~~appropriate certification, and to specify standard procedure.~~

22 No school or early childhood program, and no state agency, political subdivision,  
 23 or any elected or appointed official or employee of this state or of a political subdivision,  
 24 may impose on a child any additional vaccination or immunization requirements beyond  
 25 those set forth in this section.

1           The Department of Health shall make available to all licensed physicians the  
2           certification forms referenced in subdivisions (1) and (2) of this section.

3           Each school and early childhood program that receives a certification from a  
4           physician, as permitted in accordance with subdivision (2) of this section, or that receives  
5           a statement from a parent or guardian, as permitted in accordance with subdivision (3) of  
6           this section, shall upon receipt forward a copy to the department.