

FIRST REGULAR SESSION

SENATE BILL NO. 99

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0418S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 167.181 and 210.003, RSMo, and to enact in lieu thereof two new sections relating to childhood immunizations.

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

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2 repealed and two new sections enacted in lieu thereof, to be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

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, **but shall not**
10 **be modified to include immunization against SARS-CoV-2**
11 **(COVID-19)**. The immunizations required and the manner and
12 frequency of their administration shall conform to
13 recognized standards of medical practice. The department of
14 health and senior services shall supervise and secure the
15 enforcement of the required immunization program.

16 2. It is unlawful for any student to attend school
17 unless he has been immunized as required under the rules and
18 regulations of the department of health and senior services,

19 and can provide satisfactory evidence of such immunization;
20 except that if he produces satisfactory evidence of having
21 begun the process of immunization, he may continue to attend
22 school as long as the immunization process is being
23 accomplished in the prescribed manner. It is unlawful for
24 any parent or guardian to refuse or neglect to have his
25 child immunized as required by this section, unless the
26 child is properly exempted.

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

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

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

51 costs of immunization paid through the state Medicaid
52 program, private insurance or in a manner to be determined
53 by the department of health and senior services subject to
54 state and federal appropriations, and after consultation
55 with the school superintendent and the advisory committee
56 established in section 192.630. When a child receives his
57 or her immunization, the treating physician may also
58 administer the appropriate fluoride treatment to the child's
59 teeth.

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

65 7. No rule or portion of a rule promulgated under the
66 authority of this section shall become effective unless it
67 has been promulgated pursuant to the provisions of chapter
68 536. Any rule or portion of a rule, as that term is defined
69 in section 536.010, that is created under the authority
70 delegated in this section shall become effective only if it
71 complies with and is subject to all of the provisions of
72 chapter 536 and, if applicable, section 536.028. This
73 section and chapter 536 are nonseverable and if any of the
74 powers vested with the general assembly pursuant to chapter
75 536 to review, to delay the effective date or to disapprove
76 and annul a rule are subsequently held unconstitutional,
77 then the grant of rulemaking authority and any rule proposed
78 or adopted after August 28, 2001, shall be invalid and void.

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 SARS-CoV-2 (COVID-19)**. The parent
10 or guardian of such child shall provide satisfactory
11 evidence of the 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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