

FIRST REGULAR SESSION

HOUSE BILL NO. 445

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHNELTING.

1406H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Sections 167.181 and 210.003, RSMo, are repealed and two new sections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

167.181. 1. The department of health and senior services, after consultation with the
2 department of elementary and secondary education, shall promulgate rules and regulations
3 governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus,
4 pertussis, diphtheria, and hepatitis B, to be required of children attending public, private,
5 parochial or parish schools. Such rules and regulations may modify the immunizations that
6 are required of children in this subsection, **except that any such modification shall not**
7 **include immunization against SARS-CoV-2 (COVID-19)**. The immunizations required
8 and the manner and frequency of their administration shall conform to recognized standards
9 of medical practice. The department of health and senior services shall supervise and secure
10 the enforcement of the required immunization program.

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

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
24 school, shall cause to be prepared a record showing the immunization status of every child
25 enrolled in or attending a school under his **or her** jurisdiction. The name of any parent or
26 guardian who neglects or refuses to permit a nonexempted child to be immunized against
27 diseases as required by the rules and regulations promulgated pursuant to the provisions of
28 this section shall be reported by the school superintendent to the department of health and
29 senior services.

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

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

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

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

4 specified by the department of health and senior services in accordance with
5 recommendations of the Centers for Disease Control and Prevention Advisory Committee
6 on Immunization Practices (ACIP), **not including SARS-CoV-2 (COVID-19)**. The parent or
7 guardian of such child shall provide satisfactory evidence of the required immunizations.

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

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

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

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

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

22 (3) The child is homeless or in the custody of the children's division and cannot
23 provide satisfactory evidence of the required immunizations. Satisfactory evidence shall be
24 presented within thirty days of enrollment and shall confirm either that the child has
25 completed all immunizations appropriate for his or her age or has begun the process of
26 immunization. If the child has begun the process of immunization, he or she may continue to
27 attend as long as the process is being accomplished according to the schedule recommended
28 by the department of health and senior services.

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30 Exemptions shall be accepted by the day care administrator when the necessary information
31 as determined by the department of health and senior services is filed with the day care
32 administrator by the parent or guardian. Exemption forms shall be provided by the
33 department of health and senior services.

34 3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease
35 within a particular facility, the administrator of the facility shall follow the control measures
36 instituted by the local health authority or the department of health and senior services or both
37 the local health authority and the department of health and senior services, as established in
38 Rule 19 CSR 20-20.040, "Measures for the Control of Communicable, Environmental and
39 Occupational Diseases".

40 4. The administrator of each public, private or parochial day care center, preschool or
41 nursery school shall cause to be prepared a record of immunization of every child enrolled in
42 or attending a facility under his or her jurisdiction. An annual summary report shall be made
43 by January fifteenth showing the immunization status of each child enrolled, using forms
44 provided for this purpose by the department of health and senior services. The immunization
45 records shall be available for review by department of health and senior services personnel
46 upon request.

47 5. For purposes of this section, "satisfactory evidence of immunization" means a
48 statement, certificate or record from a physician or other recognized health facility or
49 personnel, stating that the required immunizations have been given to the child and verifying
50 the type of vaccine and the month, day and year of administration.

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

53 7. All public, private, and parochial day care centers, preschools, and nursery schools
54 shall notify the parent or guardian of each child at the time of initial enrollment in or
55 attendance at the facility that the parent or guardian may request notice of whether there are
56 children currently enrolled in or attending the facility for whom an immunization exemption
57 has been filed. Beginning December 1, 2015, all public, private, and parochial day care
58 centers, preschools, and nursery schools shall notify the parent or guardian of each child
59 currently enrolled in or attending the facility that the parent or guardian may request notice of
60 whether there are children currently enrolled in or attending the facility for whom an
61 immunization exemption has been filed. Any public, private, or parochial day care center,
62 preschool, or nursery school shall notify the parent or guardian of a child enrolled in or
63 attending the facility, upon request, of whether there are children currently enrolled in or
64 attending the facility for whom an immunization exemption has been filed.

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