

FIRST REGULAR SESSION

HOUSE BILL NO. 846

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LAFAVER.

1778L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Section 167.181, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.181, to read as follows: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 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 produces satisfactory evidence of having begun the process of immunization, he 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 child 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.

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

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

28 **5. Each school superintendent shall notify the principal at each school building with**
29 **a child in attendance who is not immunized as required under this section, or who falls**
30 **under an exemption of this section. Upon receipt of such information, each principal shall**
31 **send a letter home with students informing parents and guardians that there is a**
32 **nonimmunized student in attendance at the school.**

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

43 [6.] 7. Funds for the administration of this section and for the purchase of vaccines for
44 children of families unable to afford them shall be appropriated to the department of health and
45 senior services from general revenue or from federal funds if available.

46 [7.] 8. No rule or portion of a rule promulgated under the authority of this section shall
47 become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any
48 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
49 authority delegated in this section shall become effective only if it complies with and is subject
50 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
51 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
52 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are

53 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
54 or adopted after August 28, 2001, shall be invalid and void.

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