

FIRST REGULAR SESSION

# HOUSE BILL NO. 802

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PAGE (Sponsor), YOUNG, LOWE (44), TALBOY, YAEGER,  
HOLSMAN AND STORCH (Co-sponsors).

Read 1st time February 7, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2005L.011

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### AN ACT

To repeal section 167.181, RSMo, and to enact in lieu thereof one new section relating to required immunizations for school attendance.

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*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Section A. Section 167.181, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.181, to read as follows: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. **In addition, for each female student enrolling in grade six, such immunizations shall include inoculation to fully immunize such female against the human papilloma virus.** 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 **or she** 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 **or she** produces

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.

15 satisfactory evidence of having begun the process of immunization, he **or she** may continue to  
16 attend school as long as the immunization process is being accomplished in the prescribed  
17 manner. It is unlawful for any parent or guardian to refuse or neglect to have his child  
18 immunized as required by this section, unless the child is properly exempted.

19         3. This section shall not apply to any child if one parent or guardian objects in writing  
20 to his **or her** school administrator against the immunization of the child, because of religious  
21 beliefs or medical contraindications. In cases where any such objection is for reasons of medical  
22 contraindications, a statement from a duly licensed physician must also be provided to the school  
23 administrator. **With respect to immunization against human papilloma virus, the written**  
24 **statement shall contain a statement indicating that the parent or guardian received the**  
25 **information under subsection 4 of this section on the connection between human papilloma**  
26 **virus and cervical cancer.**

27         4. (1) **The department shall prescribe procedures by which each school district**  
28 **shall provide information to parents and guardians of female students relating to the**  
29 **connection between human papilloma virus and cervical cancer. The procedures shall**  
30 **ensure that the information is reasonably likely to come to the attention of the parents or**  
31 **guardians of each female student.**

32         (2) **The department shall collect and disseminate information to parents,**  
33 **conservators, and guardians of female children relating to the connection between human**  
34 **papilloma virus and cervical cancer and shall prescribe the form and content of the**  
35 **information.**

36         (3) **Such information shall include:**

37         (a) **The risk factors for developing cervical cancer, the symptoms of the disease,**  
38 **how it may be diagnosed and its possible consequences if untreated;**

39         (b) **The connection between human papilloma virus and cervical cancer, how**  
40 **human papilloma virus is transmitted, how transmission may be prevented, and the**  
41 **relative risk of contracting human papilloma virus for primary and secondary school**  
42 **students;**

43         (c) **The availability and effectiveness of vaccination against human papilloma virus**  
44 **and a brief description of the possible side effects of vaccination; and**

45         (d) **Sources of additional information regarding the disease, including any**  
46 **appropriate office of a school district and the appropriate office of the department of**  
47 **health and senior services.**

48         5. Each school superintendent, whether of a public, private, parochial or parish school,  
49 shall cause to be prepared a record showing the immunization status of every child enrolled in  
50 or attending a school under his jurisdiction. The name of any parent or guardian who neglects

51 or refuses to permit a nonexempted child to be immunized against diseases as required by the  
52 rules and regulations promulgated pursuant to the provisions of this section shall be reported by  
53 the school superintendent to the department of health and senior services.

54 [5.] 6. The immunization required may be done by any duly licensed physician or by  
55 someone under [his] **the physician's** direction. If the parent or guardian is unable to pay, the  
56 child shall be immunized at public expense by a physician or nurse at or from the county, district,  
57 city public health center or a school nurse or by a nurse or physician in the private office or clinic  
58 of the child's personal physician with the costs of immunization paid through the state Medicaid  
59 program, private insurance or in a manner to be determined by the department of health and  
60 senior services subject to state and federal appropriations, and after consultation with the school  
61 superintendent and the advisory committee established in section 192.630, RSMo. When a child  
62 receives his or her immunization, the treating physician may also administer the appropriate  
63 fluoride treatment to the child's teeth.

64 [6.] 7. Funds for the administration of this section and for the purchase of vaccines for  
65 children of families unable to afford them shall be appropriated to the department of health and  
66 senior services from general revenue or from federal funds if available.

67 [7.] 8. No rule or portion of a rule promulgated under the authority of this section shall  
68 become effective unless it has been promulgated pursuant to the provisions of chapter 536,  
69 RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is  
70 created under the authority delegated in this section shall become effective only if it complies  
71 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
72 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
73 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
74 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
75 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be  
76 invalid and void.

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