

FIRST REGULAR SESSION

HOUSE BILL NO. 705

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (45).

1859H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 167.181 and 174.335, RSMo, and to enact in lieu thereof two new sections relating to the meningococcal conjugate vaccine.

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

Section A. Sections 167.181 and 174.335, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 167.181 and 174.335, to read as follows: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's rules and regulations shall require that one dose of meningococcal conjugate vaccine shall be required for any child who has attained the age of eleven years but not yet attained the age of twelve years. The department's rules and regulations shall also require that one booster dose of meningococcal conjugate vaccine shall be required after the child attains the age of sixteen years.** 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

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

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

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

33 5. 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. 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. 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.

174.335. 1. Beginning with the 2004-2005 school year and for each school year
2 thereafter, every public institution of higher education in this state shall require all students who
3 reside in on-campus housing to [sign a written waiver stating that the institution of higher
4 education has provided the student, or if the student is a minor, the student's parents or guardian,
5 with detailed written information on the risks associated with meningococcal disease and the
6 availability and effectiveness of] **have received the meningococcal conjugate vaccine unless
7 a signed statement of medical or religious exemption is on file with the institution's
8 administration. A student shall be exempted from the immunization requirement of this
9 section upon signed certification by a doctor licensed under chapter 334, indicating that
10 either the immunization would seriously endanger the student's health or life or the
11 student has documentation of disease or laboratory evidence of immunity to the disease.
12 A student shall be exempted from the immunization requirement of this section if he or she
13 objects in writing to the institution's administration that immunization violates his or her
14 religious beliefs.**

15 2. [Any student who elects to receive the meningococcal vaccine shall not be required
16 to sign a waiver referenced in subsection 1 of this section and shall present a record of said
17 vaccination to the institution of higher education.

18 3.] Each public university or college in this state shall maintain records on the
19 meningococcal vaccination status of every student residing in on-campus housing at the
20 university or college[, including any written waivers executed pursuant to subsection 1 of this
21 section].

22 [4.] 3. Nothing in this section shall be construed as requiring any institution of higher
23 education to provide or pay for vaccinations against meningococcal disease.

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