MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Faulkner

To: Education;
Appropriations

HOUSE BILL NO. 433

AN ACT TO REQUIRE THE SCHOOL BOARD OF EACH SCHOOL DISTRICT AND ALL CHARTER SCHOOLS TO ADOPT A POLICY REQUIRING ALL EMPLOYEES TO RECEIVE AN ANNUAL IMMUNIZATION AGAINST INFLUENZA; TO AUTHORIZE SCHOOL EMPLOYEES TO REQUEST A MEDICAL EXEMPTION TO THE VACCINATION REQUIREMENT FROM THE STATE BOARD OF HEALTH; TO PROHIBIT EXEMPTIONS BASED ON RELIGIOUS, PHILOSOPHICAL OR CONSCIENTIOUS REASONS; TO REQUIRE THE STATE BOARD OF HEALTH TO ADOPT SIMILAR RULES AND REGULATIONS REQUIRING ALL PRIVATE SCHOOL EMPLOYEES TO RECEIVE AN ANNUAL IMMUNIZATION AGAINST INFLUENZA; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Beginning in the 2021-2022 school year, the school board of each local school district and the governing board of each charter school shall adopt a policy requiring all employees, both licensed and nonlicensed, to receive an annual immunization against influenza. Except as otherwise provided in subsection (2), the policy must require each employee to submit a certificate of vaccination documenting compliance with the immunization requirement to the superintendent of the school district or, in the case of a charter school, the person so designated by the governing board to receive the certificates before December 1 of each year.

(2) An employee may request a medical exemption from the influenza vaccination requirement from the State Board of Health, which must be in writing and supported by written documentation from a duly licensed physician in the state. If granted a medical exemption, the employee must submit a certificate of medical exemption issued by the State Department of Health to the superintendent of the school district or, in the case of a charter school, the person so designated by the governing board to receive the vaccination certificates before December 1. Any exemption that is authorized under this subsection must expire no later than one (1) year from the date on which the physician signed documentation supporting the exemption. Employees granted a medical exemption who are not immunized must be excluded from school and all school-related activities until the threat of influenza in the community is no longer present or the employee's presence is no longer a threat to the safety and welfare of students or other adults in the school.

(3) An exemption from the immunization requirement of this section may not be granted for religious, philosophical or conscientious reasons.

(4) The school board of each local school district and the governing board of each charter school shall take such steps as may be necessary to assure implementation of the requirements of this section.

SECTION 2. (1) The State Board of Health shall adopt rules and regulations that require all private school employees, both licensed and nonlicensed, to receive an annual immunization against influenza beginning in the 2021-2022 school year. Except as otherwise provided in subsection (2), the rules and regulations must require each employee to submit a certificate of vaccination documenting compliance with the immunization requirement to the head of the school before December 1 of each year.

(2) An employee may request a medical exemption from the influenza vaccination requirement from the State Board of Health, which must be in writing and supported by written documentation from a duly licensed physician in the state. If granted a medical exemption, the employee must submit a certificate of medical exemption issued by the State Department of Health to the head of the school before December 1. Any exemption that is authorized under this subsection must expire no later than one (1) year from the date on which the physician signed documentation supporting the exemption. Employees granted a medical exemption who are not immunized must be excluded from school and all school-related activities until the threat of influenza in the community is no longer present or the employee's presence is no longer a threat to the safety and welfare of students or other adults in the school.

(3) An exemption from the immunization requirement of this section may not be granted for religious, philosophical or conscientious reasons.

(4) The governing board of each private school shall take such steps as may be necessary to assure implementation of the requirements of this section.

(5) For the purposes of this section, the term "private school" does not include a legitimate home instruction program, as defined under Section 37-13-91.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.