



## 2021 South Dakota Legislature

# House Bill 1097

Introduced by: **Representative Pischke**

1 **An Act to provide for philosophical exceptions to required vaccinations.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 13-28-7.1 be AMENDED.

4 **13-28-7.1. Immunizations--Admission requirement--School or early**  
 5 **childhood program--Exceptions--Rules.**

6 Any child entering school or an early childhood program in this state, shall, prior  
 7 to admission, be required to present to the appropriate school authorities certification  
 8 from a licensed physician that the child has received or is in the process of receiving  
 9 adequate immunization against poliomyelitis, diphtheria, pertussis, rubeola, rubella,  
 10 mumps, tetanus, meningitis, and varicella, according to recommendations provided by the  
 11 Department of Health. The Department of Health may modify or delete any of the required  
 12 immunizations. As an alternative to the requirement for a physician's certification, the  
 13 child may present:

- 14 (1) Certification from a licensed physician stating the physical condition of the child  
 15 ~~would be~~ is such that immunization would endanger the child's life or health; or  
 16 (2) A written statement signed by one parent or guardian indicating that the child ~~is an~~  
 17 ~~adherent to a religious doctrine whose teachings are,~~ parent, or guardian is opposed  
 18 to such immunization because of a sincerely held religious or philosophical belief.

19 The Department of Health may promulgate reasonable rules, pursuant to chapter 1-  
 20 26, to require compliance and documentation of adequate immunization, to define  
 21 appropriate certification, and to specify standard procedure.

22 **Section 2.** That § 13-53-47 be AMENDED.

1           **13-53-47. Immunizations--Admission requirement--Public or private**  
2           **postsecondary educational institutions--Exceptions--Certification or written**  
3           **statement.**

4           Any student entering a public or private postsecondary education institution in this  
5           state for the first time after July 1, ~~2008~~ 2021, shall, within forty-five days after the start  
6           of classes, present to the appropriate institution certification from a licensed physician  
7           that the student has received or is in the process of receiving the required two doses of  
8           immunization against measles, rubella, and mumps.

9           As an alternative to the requirement for a physician's certification, the student may  
10          present:

- 11          (1) Certification from a licensed physician stating the physical condition of the student  
12              would be such that immunization would endanger the student's life or health;
- 13          (2) Certification from a licensed physician stating the student has experienced the  
14              natural disease against which the immunization protects;
- 15          (3) Confirmation from a laboratory of the presence of adequate immunity; or
- 16          (4) A written statement signed by the student indicating that the student is ~~an~~  
17              ~~adherent to a religious doctrine whose teachings are opposed to such~~  
18              ~~immunizations~~ immunization because of a sincerely held religious or philosophical  
19              belief.

20          If the student is under the age of eighteen, the written statement ~~shall~~ authorized by  
21          subdivision (4) must be signed by one parent or guardian.