



2024 South Dakota Legislature

Senate Bill 100

Introduced by: **Senator Frye-Mueller**

1 **An Act to prohibit the imposition of additional immunization requirements on**
 2 **children.**

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

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

5 **13-28-7.1.** ~~Any child~~Before entering school or being admitted to an early
 6 childhood program ~~in this state, shall, prior to admission, be required to,~~ a child must
 7 present to the appropriate school or program authorities ~~certification.~~

8 (1) ~~Certification~~ from a licensed ~~physician~~ healthcare practitioner ~~stating~~ that the child
 9 has received or is in the process of receiving adequate immunization against
 10 poliomyelitis, diphtheria, pertussis, rubeola, rubella, mumps, tetanus, meningitis,
 11 and varicella, ~~according to recommendations provided by the Department of~~
 12 Health. ~~The Department of Health may modify or delete any of the required~~
 13 immunizations. ~~As an alternative to the requirement for a physician's certification,~~
 14 ~~the child may present:~~

15 ~~(1)(2)~~ (2) Certification from a licensed ~~physician~~ healthcare practitioner stating the physical
 16 condition of the child ~~would be~~ is such that immunization would endanger the
 17 child's life or health; or

18 ~~(2)(3)~~ (3) A written statement signed by one parent or guardian stating that the child is an
 19 adherent to a religious doctrine whose teachings are opposed to such
 20 immunization.

21 ~~The Department of Health may promulgate reasonable rules, pursuant to chapter~~
 22 ~~1-26, to require compliance and documentation of adequate immunization, to define~~
 23 ~~appropriate certification, and to specify standard procedure.~~

24 No school or early childhood program, and no state agency, political subdivision,
 25 or any elected or appointed official or employee of this state or of a political subdivision,

1 may impose on a child any additional vaccination or immunization requirements beyond
2 those set forth in this section.

3 The Department of Health shall make available to all healthcare practitioners the
4 certification forms referenced in subdivisions (1) and (2) of this section.

5 Each school and early childhood program that receives a certification from a
6 healthcare practitioner, as permitted in accordance with subdivision (2) of this section, or
7 that receives a statement from a parent or guardian, as permitted in accordance with
8 subdivision (3) of this section, shall upon receipt forward a copy to the department.