



2023 South Dakota Legislature

Senate Bill 130

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

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

19 The Department of Health may promulgate reasonable rules, pursuant to chapter
 20 1-26, 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:**

23 **13-53-47.** Any student entering a public or private postsecondary education
 24 institution in this state for the first time after July 1, ~~2008~~ 2023, shall, within forty-five
 25 days after the start of classes, present to the appropriate institution certification from a

1 licensed physician that the student has received or is in the process of receiving the
2 required two doses of immunization against measles, rubella, and mumps. As an
3 alternative to the requirement for a physician's certification, the student may present:

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

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