An Act To Create Fairness in the Treatment of Students by Retaining Students with Certain Vaccine Exemptions

Received by the Clerk of the House on January 11, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §6355, sub-§4, as enacted by PL 2019, c. 154, §3, is amended to read:

4. Student covered by individualized education plan who elected exemption on or before September 1, 2021. A student covered by an individualized education plan on September 1, 2021 who elected a philosophical or religious exemption from immunization requirements on or before September 1, 2021 pursuant to the law in effect prior to that date may continue to attend school under that student's existing exemption as long as:

A. The parent or guardian of the student provides a statement from a licensed physician, nurse practitioner or physician assistant that the physician, nurse practitioner or physician assistant has consulted with that parent or guardian and has made that parent or guardian aware of the risks and benefits associated with the choice to immunize; or

B. If the student is 18 years of age or older, the student provides a statement from a licensed physician, nurse practitioner or physician assistant that the physician, nurse practitioner or physician assistant has consulted with that student and has made that student aware of the risks and benefits associated with the choice to immunize.

SUMMARY

Current law allows a student covered by an individualized education plan who elected a philosophical or religious exemption from immunization on or before September 1, 2021 to continue to attend school after September 1, 2021 without being immunized as long as certain statements regarding acknowledgement of the risks and benefits associated with the choice to immunize are provided.

This bill extends that exemption to any student who elected a philosophical or religious exemption from immunization on or before September 1, 2021.