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An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements

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

Sec. 1. 20-A MRSA §6355, sub-§3, as amended by PL 2001, c. 326, §2, is repealed.

Sec. 2. 20-A MRSA §6359, sub-§3, ¶B, as amended by PL 2001, c. 326, §6, is repealed.

Sec. 3. 22 MRSA §802, sub-§4-B, ¶B, as enacted by PL 2001, c. 185, §2, is repealed.

Sec. 4. 22 MRSA §8402, sub-§3, ¶A, as amended by PL 2001, c. 645, §10, is further amended to read:

A. The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, ~~except that this requirement may be waived for a person who objects on the grounds of sincerely held religious or philosophical belief.~~ Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A2-A~~.

Sec. 5. Rules. The Department of Education and the Department of Health and Human Services shall amend their rules to remove any rules exempting persons from immunization requirements because of their religious or philosophical beliefs. Rules adopted by the Department of Education must provide that a student who is covered by an individualized education plan on the effective date of this Act and has elected a philosophical or religious exemption from immunization requirements on or before the effective date of this Act may continue to attend school under that student's existing exemption as long as:

1. The parent or guardian of the student provides a statement from an appropriate medical professional that the medical professional 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

2. If the student is 18 years of age or older, the student provides a statement from an appropriate medical professional that the medical professional has consulted with that student and has made that student aware of the risks and benefits associated with the choice to immunize.

Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

SUMMARY

Current law allows exemptions from immunization requirements based on religious or philosophical beliefs for students in elementary and secondary schools and postsecondary schools and employees of

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nursery schools and health care facilities. This bill removes those exemptions. The bill also directs the Department of Education and the Department of Health and Human Services to remove any immunization exemptions based on religious or philosophical beliefs from their rules and requires the Department of Education to adopt rules allowing a student who is covered by an individualized education plan and has elected a philosophical or religious exemption from immunization requirements to continue to attend school under the existing exemption as long as an appropriate medical professional provides a statement that the medical professional has provided information on the risks and benefits associated with the choice to immunize.