



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 174

H.P. 107

House of Representatives, January 14, 2025

An Act to Restore Religious Exemptions to Immunization Requirements

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DRINKWATER of Milford.
Cosponsored by Senator STEWART of Aroostook and
Representatives: BABIN of Fort Fairfield, BAGSHAW of Windham, CARUSO of Caratunk,
COOPER of Windham, FOLEY of Wells, HALL of Wilton, HENDERSON of Rumford,
QUINT of Hodgdon.

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

2 **Sec. 1. 20-A MRSA §6355, sub-§5** is enacted to read:

3 **5. Religious exemption.** The parent states in writing a sincere religious belief that is
4 contrary to the immunization requirement of this subchapter.

5 **Sec. 2. 20-A MRSA §6355, sub-§4**, as enacted by PL 2019, c. 154, §3, is repealed.

6 **Sec. 3. 20-A MRSA §6358, sub-§1**, as corrected by RR 2019, c. 1, Pt. A, §17, is
7 amended to read:

8 **1. Rules authorized.** The commissioner and the Director of the Maine Center for
9 Disease Control and Prevention within the Department of Health and Human Services shall
10 jointly issue rules necessary for the effective implementation of this subchapter, including,
11 but not limited to, rules specifying those diseases for which immunization is required and
12 establishing school ~~record-keeping~~ record-keeping and reporting requirements or
13 guidelines and procedures for the exclusion of nonimmunized children from school. ~~The~~
14 ~~rules may not include any provision governing medical exemptions.~~ Rules adopted
15 pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375,
16 subchapter 2-A except that rules adopted pursuant to this subchapter specifying the diseases
17 for which immunization is required are major substantive rules as defined in Title 5, chapter
18 375, subchapter 2-A.

19 **Sec. 4. 20-A MRSA §6359, sub-§3, ¶C** is enacted to read:

20 C. The student or the parent, if the student is a minor, states in writing a sincere
21 religious belief that is contrary to the immunization requirement of this subchapter.

22 **Sec. 5. 20-A MRSA §6359, sub-§6**, as amended by PL 2019, c. 154, §7, is further
23 amended to read:

24 **6. Rules; requirements; reports.** The Director of the Maine Center for Disease
25 Control and Prevention within the Department of Health and Human Services shall adopt
26 rules necessary for the effective implementation of this subchapter, including, but not
27 limited to, rules establishing immunization requirements for each disease, school ~~record~~
28 ~~keeping~~ record-keeping and reporting requirements or guidelines and procedures for the
29 exclusion of nonimmunized students from school. ~~The rules may not include any provision~~
30 ~~governing medical exemptions.~~ Rules adopted pursuant to this subchapter are routine
31 technical rules as defined in Title 5, chapter 375, subchapter 2-A except that rules adopted
32 pursuant to this subchapter specifying the diseases for which immunization is required are
33 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

34 Immunization requirements more stringent than the provisions of this subchapter may be
35 adopted by a school board or by policy of a private school's governing board.

36 **Sec. 6. 22 MRSA §802, sub-§4-A, ¶C-1** is enacted to read:

37 C-1. "Health care practitioner" means a person certified, registered or licensed in the
38 healing arts, including, but not limited to, a physician, nurse, podiatrist, optometrist,
39 chiropractor, physical therapist, dentist, psychologist and physician assistant.

40 **Sec. 7. 22 MRSA §802, sub-§4-B, ¶D** is enacted to read:

1 D. A religious exemption is available to a health care practitioner who states in writing
2 a sincere religious belief that is contrary to the immunization requirement of this
3 subchapter.

4 **Sec. 8. 22 MRSA §8402, sub-§3, ¶A**, as amended by PL 2019, c. 154, §10 and
5 affected by §12, is further amended to read:

6 A. The department shall adopt rules regarding the health of staff as required to protect
7 the health and safety of the children. The rules must include a requirement that every
8 2 years each licensee, administrator or other staff member of the nursery school who
9 provides care for children be declared free from communicable disease by a licensed
10 physician, nurse practitioner or physician assistant, except that this requirement may
11 be waived for a person who objects on the grounds of a sincere religious belief. Rules
12 adopted pursuant to this paragraph are routine technical rules as defined in Title 5,
13 chapter 375, subchapter 2-A.

14 **Sec. 9. PL 2019, c. 154, §11** is repealed.

15 **Sec. 10. Rules.** The Department of Education and the Department of Health and
16 Human Services shall amend their rules in order to provide for exempting persons from
17 immunization requirements on the grounds of a sincere religious belief in accordance with
18 this Act. Rules adopted pursuant to this section are routine technical rules pursuant to the
19 Maine Revised Statutes, Title 20-A, section 6358, subsection 1 and section 6359,
20 subsection 6 and Title 22, section 802, subsection 3 and section 8402, subsection 3,
21 paragraph A.

22 **SUMMARY**

23 This bill reinstates exemptions from immunization requirements based on a sincere
24 religious belief for students in elementary, secondary and postsecondary schools and
25 employees of nursery schools. It also provides the same exemption to health care
26 practitioners.