



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 833

H.P. 601

House of Representatives, March 8, 2021

An Act To Amend the Laws Governing Vaccines by Reinstating Religious Exemptions

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

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

ROBERT B. HUNT
Clerk

Presented by Representative KINNEY of Knox.
Cosponsored by Representatives: CARMICHAEL of Greenbush, COLLAMORE of Pittsfield,
CONNOR of Lewiston, GRIFFIN of Levant, JAVNER of Chester, LYMAN of Livermore
Falls, O'CONNOR of Berwick, RUDNICKI of Fairfield.

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

2 **Sec. 1. 20-A MRSA §6355, sub-§3-A** is enacted to read:

3 **3-A. Religious exemption.** The parent states in writing a sincere religious belief that
4 is 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 amended
6 to read:

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

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

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

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

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

24 **Sec. 4. 22 MRSA §802, sub-§4-B, ¶B-1** is enacted to read:

25 B-1. A religious exemption is available to an employee who states in writing a sincere
26 religious belief that is contrary to the immunization requirement of this subchapter.

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

29 A. The department shall adopt rules regarding the health of staff as required to protect
30 the health and safety of the children. The rules must include a requirement that every
31 2 years each licensee, administrator or other staff member of the nursery school who
32 provides care for children be declared free from communicable disease by a licensed
33 physician, nurse practitioner or physician assistant, except that this requirement may
34 be waived for a person who objects on the grounds of sincerely held religious belief.
35 Rules adopted pursuant to this paragraph are routine technical rules as defined in Title
36 5, chapter 375, subchapter 2-A.

37 SUMMARY

38 Public Law 2019, chapter 154 removes the exemption from immunization
39 requirements based on religious belief for students in elementary, secondary and
40 postsecondary schools and employees of nursery schools and certain health care facilities.
41 This bill reinstates the religious exemption.