



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1410

H.P. 906

House of Representatives, March 30, 2023

**An Act to Hold School Employees Civilly Liable for Failure to
Notify Parents Regarding Medical Issues of Students Under 18
Years of Age**

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 HYMES of Waldo.
Cosponsored by Representatives: BAGSHAW of Windham, DRINKWATER of Milford,
PAUL of Winterport, SAMPSON of Alfred, WHITE of Guilford, Senator: KEIM of Oxford.

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

2 **Sec. 1. 20-A MRSA c. 223, sub-c. 12** is enacted to read:

3 **SUBCHAPTER 12**

4 **PARENTAL NOTIFICATION REGARDING MEDICAL INFORMATION**

5 **§6691. Parental notification regarding medical information required**

6 **1. School employee defined.** As used in this section, unless the context otherwise
7 indicates, "school employee" means a school nurse, school counselor, teacher, staff
8 member, principal or other administrative official at a public or private school.

9 **2. Prohibitions.** Except in an emergency, a school employee is prohibited from:

10 A. Withholding from a minor student's parent medical information related to the
11 student or conversations with the student related to medical issues; or

12 B. Encouraging or advising a minor student to withhold from the student's parent
13 medical information related to the student or conversations with the student related to
14 medical issues.

15 **3. Civil action.** A civil action may be brought by a parent of a minor student who was
16 the subject of a violation of this section. In an action brought pursuant to this section, the
17 parent may recover the party's actual damages, compensatory damages, punitive damages
18 or injunctive relief or any combination of those or any other appropriate relief. A prevailing
19 parent is entitled to an award of attorney's fees and costs.

20 **SUMMARY**

21 This bill prohibits public and private schools from withholding from a minor student's
22 parent or encouraging a minor student to withhold from the student's parent medical
23 information related to the student or conversations with the student related to medical
24 issues. The prohibition does not apply in an emergency. A parent of a minor student who
25 was the subject of a violation may bring a civil action to recover the party's actual damages,
26 compensatory damages, punitive damages, injunctive relief, any combination of those or
27 any other appropriate relief. A prevailing parent is entitled to an award of attorney's fees
28 and costs.