



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2046

H.P. 1457

House of Representatives, January 16, 2020

An Act Regarding Immunizations

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 TIPPING of Orono.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation corrects an error in Public Law 2019, chapter 154 by
4 providing that if Public Law 2019, chapter 154 is ratified in March 2020 by a majority of
5 the electors voting on that measure pursuant to the Constitution of Maine, Article IV, Part
6 Third, Section 17, the repeal of the exemption from immunization requirements based on
7 religious or philosophical beliefs for employees of health care facilities takes effect
8 September 1, 2021; and

9 **Whereas,** if the error is not corrected and Public Law 2019, chapter 154 is ratified in
10 March 2020, the repeal of the exemption is effective 30 days after the Governor
11 proclaims that Public Law 2019, chapter 154 has been ratified; and

12 **Whereas,** if Public Law 2019, chapter 154 is ratified in March 2020, the date the
13 exemption is repealed must be corrected prior to the expiration of the 90-day period; and

14 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
15 the meaning of the Constitution of Maine and require the following legislation as
16 immediately necessary for the preservation of the public peace, health and safety; now,
17 therefore,

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

19 **PART A**

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

21 5. Virtual public charter school. The child is enrolled in or attends a virtual public
22 charter school, as defined in section 2401, subsection 11, and does not physically attend
23 any classes or programs at a school or on school property.

24 **Sec. A-2. 22 MRSA §1066, sub-§2, ¶D,** as enacted by PL 2009, c. 595, §2, is
25 amended to read:

26 D. "Child" means a person who has not attained 19 years of age and who either
27 resides in the State or is enrolled in or has been offered enrollment in a private or
28 public postsecondary educational institution in the State.

29 **PART B**

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

31 B-1. A religious or philosophical exemption is available to an employee who states
32 in writing a sincere religious or philosophical belief that is contrary to the
33 immunization requirement of this subchapter.

34 This paragraph is repealed September 1, 2021.

1 **Sec. B-2. Contingent effective date.** That section of this Part that enacts the
 2 Maine Revised Statutes, Title 22, section 802, subsection 4-B, paragraph B-1 takes effect
 3 only if Public Law 2019, chapter 154 is ratified by a majority of the electors voting on
 4 that measure pursuant to the Constitution of Maine, Article IV, Part Third, Section 17.

5 **Emergency clause.** In view of the emergency cited in the preamble, this
 6 legislation takes effect 30 days after the Governor proclaims that Public Law 2019,
 7 chapter 154 has been ratified by a majority of the electors voting on that measure
 8 pursuant to the Constitution of Maine, Article IV, Part Third, Section 17, except that
 9 those sections of this Act that enact the Maine Revised Statutes, Title 20-A, section 6355,
 10 subsection 5 and that amend Title 22, section 1066, subsection 2, paragraph D take effect
 11 90 days after the adjournment of the Second Regular Session of the 129th Legislature.

12 **SUMMARY**

13 This bill exempts children who are enrolled in or attend a virtual public charter
 14 school from the requirement that a child may not be enrolled in or attend school without
 15 evidence of immunization. The bill also amends the law governing the Universal
 16 Childhood Immunization Program to include persons who are 18 years of age or younger
 17 and are enrolled in or have been offered enrollment in a private or public postsecondary
 18 educational institution in the State.

19 The bill also corrects an error in Public Law 2019, chapter 154 by providing that the
 20 exemption from immunization requirements based on religious or philosophical beliefs
 21 for employees of health care facilities takes effect September 1, 2021. The correction is
 22 contingent on Public Law 2019, chapter 154 being ratified by a majority of voters and
 23 taking effect in accordance with the Constitution of Maine, Article IV, Part Third, Section
 24 17.