

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 606

H.P. 419

House of Representatives, March 3, 2015

**An Act To Remove the Philosophical Exemption from the
Immunization Requirements for School Students and Employees of
Nursery Schools and Health Care Facilities**

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative TUCKER of Brunswick.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: BROOKS of Lewiston, KORNFIELD of Bangor.

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

2 **Sec. 1. 20-A MRSA §6355, sub-§3**, as amended by PL 2001, c. 326, §2, is
3 further amended to read:

4 **3. Religious exemption.** The parent states in writing a sincere religious belief that is
5 contrary to the immunization requirement of this subchapter ~~or an opposition to the~~
6 ~~immunization for philosophical reasons.~~

7 **Sec. 2. 20-A MRSA §6359, sub-§3, ¶B**, as amended by PL 2001, c. 326, §6, is
8 further amended to read:

9 B. The student or the parent, if the student is a minor, states in writing a sincere
10 religious belief, ~~which is~~ contrary to the immunization requirement of this subchapter
11 ~~or an opposition to the immunization for philosophical reasons.~~

12 **Sec. 3. 22 MRSA §802, sub-§4-B, ¶B**, as enacted by PL 2001, c. 185, §2, is
13 amended to read:

14 B. A religious ~~or philosophical~~ exemption is available to an employee who states in
15 writing a sincere religious ~~or philosophical~~ belief that is contrary to the immunization
16 requirement of this subchapter.

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

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

27 **Sec. 5. Rules.** The Department of Health and Human Services shall amend its rules
28 to remove any rules exempting persons from immunization requirements because of their
29 philosophical beliefs. Rules adopted pursuant to this section are routine technical rules
30 pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

31 **SUMMARY**

32 Current law allows exemptions because of a person's philosophical beliefs from
33 immunization requirements for students in elementary and secondary schools and
34 postsecondary schools and employees of nursery schools and health care facilities. This
35 bill removes those exemptions. The bill also directs the Department of Health and
36 Human Services to remove any immunization exemptions because of philosophical
37 beliefs from its rules.