

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 798

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H.P. 586

House of Representatives, February 12, 2019

**An Act To Protect Maine Children and Students from Preventable  
Diseases by Repealing Certain Exemptions from the Laws  
Governing Immunization Requirements**

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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.  
Cosponsored by Representative TUCKER of Brunswick, Senator WOODSOME of York and Representatives: BICKFORD of Auburn, HUBBELL of Bar Harbor, HYMANSON of York, McDONALD of Stonington, MEYER of Eliot, PERRY of Calais, Senators: GRATWICK of Penobscot, SANBORN, L. of Cumberland.

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3 repealed.

4 **Sec. 2. 20-A MRSA §6359, sub-§3, ¶B,** as amended by PL 2001, c. 326, §6, is  
5 repealed.

6 **Sec. 3. 22 MRSA §802, sub-§4-B, ¶B,** as enacted by PL 2001, c. 185, §2, is  
7 repealed.

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

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

18 **Sec. 5. Rules.** The Department of Education and the Department of Health and  
19 Human Services shall amend their rules to remove any rules exempting persons from  
20 immunization requirements because of their religious or philosophical beliefs. Rules  
21 adopted by the Department of Education must provide that a student who is covered by  
22 an individualized education plan on the effective date of this Act and has elected a  
23 philosophical or religious exemption from immunization requirements on or before the  
24 effective date of this Act may continue to attend school under that student's existing  
25 exemption as long as:

26 1. The parent or guardian of the student provides a statement from an appropriate  
27 medical professional that the medical professional has consulted with that parent or  
28 guardian and has made that parent or guardian aware of the risks and benefits associated  
29 with the choice to immunize; or

30 2. If the student is 18 years of age or older, the student provides a statement from an  
31 appropriate medical professional that the medical professional has consulted with that  
32 student and has made that student aware of the risks and benefits associated with the  
33 choice to immunize.

34 Rules adopted pursuant to this section are routine technical rules as defined in the  
35 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

36 **SUMMARY**

37 Current law allows exemptions from immunization requirements based on religious  
38 or philosophical beliefs for students in elementary and secondary schools and

1 postsecondary schools and employees of nursery schools and health care facilities. This  
2 bill removes those exemptions. The bill also directs the Department of Education and the  
3 Department of Health and Human Services to remove any immunization exemptions  
4 based on religious or philosophical beliefs from their rules and requires the Department  
5 of Education to adopt rules allowing a student who is covered by an individualized  
6 education plan and has elected a philosophical or religious exemption from immunization  
7 requirements to continue to attend school under the existing exemption as long as an  
8 appropriate medical professional provides a statement that the medical professional has  
9 provided information on the risks and benefits associated with the choice to immunize.