

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-754)

COMMITTEE AMENDMENT "A" to H.P. 1072, L.D. 1264, Bill, "AN ACT Requiring Immunization of Children Prior to Entering Grade School."

Amend the Bill by striking everything after the enacting clause and inserting in its place the following:

20 MRSA c.109, sub-c. VI is enacted to read:

SUBCHAPTER VI  
IMMUNIZATION OF CHILDREN  
ENTERING SCHOOL

§ 1191. Definitions

As used in this subchapter, unless the context requires otherwise, the following words shall have the following meanings.

1. Child. "Child" means and includes every child entering school.
2. Disease. "Disease" means poliomyelitis, diptheria, pertussis, tetanus, measles, and rubella.
3. Person in parental relation to a child. "Person in parental relation to a child" means and includes a child's father or mother, by birth or adoption, legally appointed guardian or custodian. A person shall be regarded as the custodian of a child if he has assumed the charge and care of the child because the parents or legally appointed guardian of the minor have died, are imprisoned,

are insane, have been committed to an institution, have abandoned or deserted the child, are now living outside the State or their whereabouts are unknown.

4. School. "School" means and includes grades kindergarten through 6 in any public, private, or parochial school in the state.

§ 1192. Immunization

1. Immunization required. Except as otherwise provided under this subchapter, every person in parental relation to a child in this state, shall cause to be administered to the child an adequate dosage of an immunizing agent against each disease.

2. Immunizing agent to meet standards. Any such immunizing agent shall meet standards for such biological products, approved by the United States Public Health Service.

3. Dosage. The department/<sup>of Educational and Cultural Services</sup> shall define what constitutes adequate dosage.

4. Administration. Except as otherwise provided under this subchapter, the person in parental relation to a child who has not been immunized against a disease, shall be responsible for presenting the child to a licensed physician or to a nurse or other person authorized to administer immunizing agents, and shall request the physician, nurse or other person to administer the necessary immunizing agent to the child.

5. Certificate. The physician, nurse, or other person who administers to any child any immunizing agent against any disease, shall sign and give to the person in parental relation to the child, a certificate of the immunization.

§ 1193. Application and admission to school

1. Application to school. In the event that a person in parental relation to a child makes application for admission to a school for the child and there exists no certificate or other acceptable evidence of the child's immunization against each disease, the principal, teacher, owner or person in charge of the school shall provide the person in parental relation to the child with a form which shall give notice that as a prerequisite to processing the application for admission to the school:

- A. The person shall agree, in writing on the form, that he shall be responsible for presenting the child within 90 days to a physician, nurse or other person, as specified in section 1192, subsection 4, for the purpose of having the child immunized;
- B. The person shall consent, in writing on the form, to have a health officer in the public employ or a physician, nurse, or other authorized person employed by the school to administer the necessary immunizing agent or agents;  
or
- C. The person shall state, in writing on the form, that for one of the reasons specified in subsection 2, he does not want the child to be immunized against any or all of the diseases.

2. Exceptions to immunization requirement. A child shall not be required to be immunized against a disease as a condition for being admitted to a school for any of the following reasons.

A. A child shall not be required to receive an immunization, if he presents a written statement from a licensed physician that the immunization may be detrimental to the child's health.

B. A child shall not be required to receive an immunization if he presents a written statement from a licensed physician that the child has already experienced the illness which the immunization is intended to protect.

C. A child shall not be required to receive an immunization if his parent or guardian is a bona fide member of a recognized religious organization whose teachings are contrary to the immunization requirements of this subchapter.

D. A child shall not be required to receive an immunization if his parent or guardian has demonstrated through a written statement his moral, philosophical or other personal objection to such immunization.

3. Admission to school. No principal, teacher, owner or other person in charge of a school shall permit any child to be admitted to a school without:

A. The certificate specified in section 1192, subsection 5, for each disease;

B. Some other acceptable evidence of the child's immunization against each disease; or

C. The form, signed by the person in parental relation to the child, pursuant to subsection 1, paragraph A, B or C.

4. Records. Each school shall keep a uniform standard record of immunization on each child, based on the certificate or other acceptable evidence. This record shall be part of the child's permanent school records.

§ 1194. Prohibition of attendance

When a local health officer or other public health official suspects that the continued presence in a school of a child who has not been immunized, presents a clear danger, such as the spread of any disease to other persons in the school, the health officer or other official shall notify the superintendent of the school administrative unit in which the school is located of this danger.

The superintendent shall inform the person in parental relation to the child that unless the child receives the necessary immunizing agent, the child shall be prohibited from attending the school until the danger has passed. Whenever, as a result of this section, a child is absent from the school for a period of more than 10 days, the superintendent shall make arrangements to meet the educational needs of the child, until such time as the child can return to the school.

§ 1195. Rules

1. Rules authorized. The <sup>Commissioner</sup> / of the Department of Educational and Cultural Services, or his designee, shall adopt and amend rules required for the effective implementation of the provisions and purposes of this subchapter.

2. Municipal ordinances and regulations. A municipality may enforce any ordinance or regulation relating to the diseases against which immunization is required and to the children who are required to be immunized, which are more stringent than the requirements of this subchapter.

§ 1196. Effective date.

Except as otherwise provided under this subchapter, by August 1, 1978, each child in or entering each school in the State shall have been immunized against each disease.

**STATEMENT OF FACT**

The primary purposes of this amendment include the following:

1. Exceptions to Immunization Requirements. The amendment provides for additional exceptions to the requirement that parents have their children immunized as a prerequisite for entering school. (Section 1193, subsection 2 of amendment) The bill allows for exceptions to the requirement for religious and health reasons. In addition to those reasons, the amendment provides for exceptions ,

to the requirement if the child presents a physician's statement that he has already had the disease against which he would be immunized and if the parent of the child objects to the immunization for "demonstrated moral, philosophical or other" reasons.

# 2. Prohibition of attendance. The amendment also provides that whenever a child who has not been immunized presents a clear danger to other persons in the school, such as the spread of any disease, a public health officer must notify the superintendent of this danger. The superintendent must then inform the child's parent that unless the child receives the immunization, he will be prohibited from attending school. (Section 1194)

3. Municipal ordinances. The amendment states that any municipal ordinances or regulations that are more stringent than the provisions in this state law may be enforced.

4. Grades affected. The amendment applies the requirements for immunization to children in grades kindergarten through 6. (Section 1191, subsection 4)

5. Effective date. The amendment requires that each child who is already in grades kindergarten through 6, unless otherwise exempted from the immunization requirements, must be immunized by August 1, 1978.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.

6/20/77

(Filing No. H-754)