

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1264

H. P. 1072

House of Representatives, March 28, 1977

Referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Nelson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Requiring Immunization of Children Prior to Entering Grade School.

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

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

SUBCHAPTER VI

IMMUNIZATION OF CHILDREN

ENTERING SCHOOL

§ 1191. Definitions

As used in this section, unless the context requires otherwise, the following words shall have the following meanings:

1. Child. "Child" means and includes every child entering school.
2. Person in parental relation to a child. "Person in parental relation to a child" means and includes his father or mother, by birth or adoption, his legally appointed guardian or his 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 such child, are now living outside the State or their whereabouts are unknown.
3. School. "School" means and includes any public, private or parochial, kindergarten, elementary, intermediate or secondary school.

§ 1192. Immunizations

Every person in parental relation to a child in this State shall have administered to such child an adequate dose or doses of an immunizing agent against poliomyelitis, pertussis and tetanus, measles, diphtheria and rubella which meets the standards approved by the United States Public Health Service for such biological products and which is approved by the department.

§ 1193. Physician or nurse when authorized

The person in parental relation to any such child who has not previously received such immunization shall present the child to a physician licensed to practice medicine in this State, or a nurse when authorized, and request such physician or nurse to administer the necessary immunization against poliomyelitis, pertussis and tetanus, measles, diphtheria and rubella as provide in section 1192.

§ 1194. Certificate

The physician or nurse who administers such immunizing agent against poliomyelitis, pertussis and tetanus, measles, diphtheria and rubella to any such child shall give a certificate of such immunization to the person in parental relation to such child.

§ 1195. Notice

In the event that a person in parental relation to a child makes application for admission for such child to a school and there exists no certificate or other acceptable evidence of the child's immunization against poliomyelitis, pertussis and tetanus, measles, diphtheria and rubella, the principal, teacher, owner or person in charge of the school shall inform such person of the necessity to have the child immunized within a 90-day period, that such immunization may be administered by any physician licensed to practice medicine in this State or a nurse when authorized. In the event that such person does not wish to select a physician or nurse to administer the immunization, he shall be provided with a form which shall give notice that as a prerequisite to processing the application for admission to the school such person shall state a valid reason for withholding consent or consent shall be given for immunization to be administered by a health officer in the public employ or by a school physician or nurse. The form shall provide for the execution of a consent by such person, and it shall also state that such person need not execute such consent if sections 1197 and 1198 apply to such child.

§ 1196. Admission to school

No principal, teacher, owner or person in charge of a school shall permit any child to be admitted to such school without the certificate provided for in section 1194 or some acceptable evidence of the child's immunization against poliomyelitis, pertussis, tetanus, measles, diphtheria and rubella, or suitable evidence that the parent intends to have the child immunized within the 90-day period.

§ 1197. Exemption for health reasons

If any physician licensed to practice medicine in this State certifies that such immunization may be detrimental to a child's health, the requirements of this subchapter shall be inapplicable until such immunization is found no longer to be detrimental to the child's health.

§ 1198. Exemption for religious reasons

This section shall not apply to children whose parent, parents or guardian are bona fide members of a recognized religious organization whose teachings are contrary to the practice herein required, and no certificate shall be required as a prerequisite to such children being admitted or received into school or attending school.

§ 1199. Rules

The Commissioner of Educational and Cultural Services, or his designee, may adopt and amend rules and regulations to effectuate the provisions and purposes of this subchapter.

STATEMENT OF FACT

The large number of Maine children entering school without benefit of basic immunization against childhood diseases constitute a serious threat to themselves and to others. The purpose of this bill is to assure that all children entering Maine schools shall be immunized upon school entry, or within 90 days. Excluded from this bill are those children who by reason of health or religious belief are exempted.