

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-18)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to H.P. 41, L.D. 54, Bill,
"AN ACT Relating to Immunization of Children Prior to Entering
School."

Amend the bill by inserting before the enacting clause
the following:

'Emergency preamble. Whereas, Acts of the Legislature
do not become effective until 90 days after adjournment unless
enacted as emergencies; and

Whereas, there has been an established health hazard
because of a rubella outbreak in southern Maine; and

Whereas, the recurrence of this situation could be pre-
vented by an immunization program extending through all grades
of schools in Maine; and

Whereas, it is necessary to have the Department of Edu-
cational and Cultural Services and the Bureau of Health,
Department of Human Services, prepare rules relating to im-
munization requirements, record keeping and procedures for
reporting prior to the start of the school year; and

Whereas, these rules should be promulgated as soon as
possible in order to expedite immunizations; and

Whereas, in the judgment of the Legislature, these facts

create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore'

Further amend the bill by inserting after the enacting clause the following:

'Sec. 1. 20 MRSA §1191, sub-§2, as enacted by PL 1977, c. 471, is amended to read:

2. Disease. "Disease" means poliomyelities, diphtheria, pertussis, tetanus, measles, mumps and rubella.'

Further amend the bill by renumbering section 1 to be section 2.

Further amend the bill by striking out all of sections 2 and 3 and inserting in / ^{their} place the following:

'Sec. 3. 20 MRSA §1192, sub-§4, as enacted by PL 1977, c. 471, is amended by adding a new sentence at the end to read:

Before the immunizing agent is administered, a female child of childbearing age and the person in parental relation to the child shall be provided a description of the risks and benefits of receiving rubella vaccine, and the risks which are related to becoming pregnant within 3 months of receiving rubella vaccine.'

Further amend the bill by striking out all of section 4 and inserting in its place the following:

'Sec. 4. 20 MRSA §1193, sub-§2, ¶E is enacted to read:

E. ←—————→ A female child of childbearing

age is not required to be immunized against rubella, even though immunization of such children is strongly recommended.

Sec. 5. 20 MRSA §1193, sub-§4, as enacted by PL 1977, c. 471, is amended by adding at the end a new sentence to read:

State and local health personnel shall have access to student immunization records in connection with an emergency as provided for by the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, United States Code Title 20, Section 1232g, (b), (1), (I) and regulations adopted thereto.'

Further amend the bill by striking out all of section 6 and inserting in its place the following:

'Sec. 6. 20 MRSA §1195, sub-§3 is enacted to read:

3. Annual report of immunization status. By December 15th of the school year, each school shall submit a summary report of the immunization status of the entering children to the Director of the Bureau of Health on forms prescribed by the director.'

Further amend the bill in section 7 in that part designated "§1196." in the 3rd line (same in L.D.) by striking out the underlined word and figures "December 15, 1981"

and inserting in their place the underlined word and figures
'September 15, 1981'

Further amend the bill by renumbering sections 5, 6 and
7 to be sections 6, 7 and 8.

Further amend the bill by inserting at the end before
the Statement of Fact the following:

'Emergency clause. In view of the emergency cited in
the preamble, this Act shall take effect when approved.'

Statement of Fact

The amendment adds an emergency preamble and emergency clause.
The definitions of disease are expanded to include mumps,
since the bill is requiring immunization against mumps. The
amendment adds language requiring notification of the risks
and benefits of rubella vaccine to females of childbearing
age, and provides them with an exemption. It also clarifies
the access to health records and the nature of the summary
report. Finally, the effective date is changed to Septem-
ber 15, 1981.

Reported by the Majority of the Committee on Health and Institutional
Services.

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

2/11/81

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