

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 198, L.D. 289, Bill, "An Act Concerning Postsecondary Student Immunization Requirements"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, the Department of Human Services must adopt rules to implement this legislation; and

Whereas, the rules must be in place by August 1991 in order to be implemented by postsecondary institutions during the 1991-92 academic year; 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,

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

**Sec. 1. 20-A MRSA §6359, sub-§1, ¶¶A, C, D and F, as enacted by PL 1985, c. 771, §§2 and 7, are amended to read:**

A. "Certificate of immunization" means a written statement from a physician, nurse or public health official who has administered an immunizing agent to a student, specifying the dosage administered and the date it was administered.

2 C. "Disease" means diphtheria, measles, mumps, rubella and  
tetanus.

4 D. "Immunizing agent" means a vaccine, antitoxin toxoid or  
6 other ~~substances~~ substance used to increase an individual's  
immunity to a disease.

8 F. "Public health official" means ~~a local health officer~~,  
10 the Director of the Bureau of Health or any designated  
employee or agent of the Department of Human Services.

12 **Sec. 2. 20-A MRSA §6359, sub-§1, ¶G-1 is enacted to read:**

14 G-1. "School health provider" means a physician,  
16 physician's assistant, registered nurse or nurse  
18 practitioner licensed to practice by the State and appointed  
by the chief administrative officer to provide health care  
to the student population.

20 **Sec. 3. 20-A MRSA §6359, sub-§3, ¶A, as enacted by PL 1985, c.**  
22 **771, §§2 and 7, is amended to read:**

24 A. The parent or the student provides a physician's written  
statement or a written statement from a school health  
26 provider that immunization against one or more of the  
diseases may be medically inadvisable.

28 **Sec. 4. 20-A MRSA §6359, sub-§6, as enacted by PL 1985, c.**  
30 **771, §§2 and 7, is amended to read:**

32 **6. Rules; requirements; reports.** The Director of the Bureau  
of Health shall issue adopt rules necessary for the effective  
34 implementation of this subchapter, including, but not limited to,  
rules establishing immunization requirements and medical  
36 exceptions to receiving vaccines or toxoids for each disease,  
school record keeping and reporting requirements or guidelines  
38 and procedures for the exclusion of nonimmunized students from  
school.

40 Immunization requirements more stringent than the provisions of  
42 this subchapter may be adopted by a school board or by policy of  
a private school's governing board.

44 **Emergency clause.** In view of the emergency cited in the  
46 preamble, this Act takes effect when approved.

48 **FISCAL NOTE**

50 The costs associated with broader rule-making discretion for  
52 the Bureau of Health in adopting rules regarding immunization

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2 requirements can be absorbed within existing resources of the  
Department of Human Services. The University of Maine System,  
4 the Maine Technical College System and Maine Maritime Academy can  
absorb the additional administrative burdens of maintaining  
immunization records for mumps within existing resources.'

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**STATEMENT OF FACT**

10 The amendment replaces the original bill. It adds mumps to  
the diseases students must be immunized against, gives school  
12 officials more flexibility in administering immunization  
requirements and gives the Department of Human Services broader  
14 discretion to adopt rules regarding immunization requirements.  
The amendment also adds a fiscal note.

Reported by the Committee on Human Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
(4/23/91) (Filing No. H-164)