MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

H.P. 1044 House of Representatives, March 5, 2001

An Act to Amend the Health Care Facility Immunization Laws.

Submitted by the Department of Human Services pursuant to Joint Rule 204. Reference to the Committee on Health and Human Services suggested and ordered printed.

MILLICENT M. MacFARLAND, Clerk

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Presented by Representative KANE of Saco.

F	se it enacted by the People of the State of Maine as follows:
§	Sec. 1. 22 MRSA §802, sub-§4, as amended by PL 1999, c. 378, 1, is repealed.
	Sec. 2. 22 MRSA §802, sub-§§4-A and 4-B are enacted to read:
	4-A. Definitions. As used in this section, unless the ontext otherwise indicates, the following terms have the ollowing meanings.
	A. "Designated health care facility" means a licensed nursing facility, residential care facility, intermediate care facility for the mentally retarded, multi-level health
	care facility, hospital or home health agency.
	B. "Disease" means one of those conditions enumerated in rules adopted by the department that may be preventable by immunizing agent.
	C. "Employee" means any person who performs a service for wages or other remuneration for a designated health care facility.
	D. "Immunizing agent" means a vaccine, antitoxin or other substance used to increase an individual's immunity to a disease.
2	4-B. Exemptions to immunization. Employees are exempt from mmunization otherwise required by this subchapter or by rules dopted by the department pursuant to this section under the ollowing circumstances.
	A. A medical exemption is available to an employee who provides a physician's written statement that immunization against one or more diseases may be medically inadvisable.
	B. A religious or philosophical exemption is available to an employee who states in writing a sincere religious or
	philosophical belief that is contrary to the immunization requirement of this subchapter.
	Sec. 3. Rulemaking. Rules adopted by the Department of Human ervices pursuant to this Act are routine technical rules as efined in Title 5, chapter 375, subchapter II-A.
	SUMMARY
f	This bill amends the law regarding immunization requirements or health care workers to ensure:

- 2 1. An adequate, updated and consistent definition of "health care facility";
- 2. Consistent wording and requirements for health care workers seeking exemption from one or more immunizations, including consistency with federal Occupational Safety and Health Administration requirements for hepatitis B; and
- 10 3. Shifting certain disease- and vaccine-specific requirements to rulemaking instead of law. This last change is 12 necessary due to the rapid development of vaccines and vaccine recommendations.

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