

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1563

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H.P. 1163

House of Representatives, March 13, 2001

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**An Act to Amend School Immunizations Requirements.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative NUTTING of Oakland.  
Cosponsored by Senator MITCHELL of Penobscot and  
Representative CUMMINGS of Portland.

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

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4       **Sec. 1. 20-A MRSA §6353, sub-§3**, as enacted by PL 1983, c. 661, §8, is amended to read:

6       **3. Disease.** "Disease" means ~~diphtheria, measles, mumps, pertussis, poliomyelitis, rubella and tetanus~~ those conditions  
8       that may be preventable by immunizing agent, as specified by rule.

10       **Sec. 2. 20-A MRSA §6355**, as enacted by PL 1983, c. 661, §8, is amended to read:

12       **§6355. Enrollment in school**

14       No A superintendent may not permit any child to be enrolled  
16       in or to attend school without a certificate of immunization for  
18       each disease or other acceptable evidence of required  
immunization or immunity against the disease, except as follows.

20       **1. Written assurance.** The parent provides a written  
22       assurance the child will be immunized within 90 days by private  
24       effort or provides, where applicable, a written consent to the  
child's immunization by a health officer, physician, nurse or  
other authorized person in public or private employ.

26       **2. Medical exemption.** The parent or the child provides a  
28       physician's written statement that immunization against one or  
more of the diseases may be medically inadvisable.

30       **3. Philosophical or religious exemption.** The parent states  
32       in writing a sincere religious belief ~~which~~ that is contrary to  
34       the immunization requirement of this subchapter ~~or an opposition~~  
~~to the immunization for moral, philosophical or other personal~~  
~~reasons.~~

36       **Sec. 3. 20-A MRSA §6358, sub-§1**, as enacted by PL 1983, c. 661, §8, is amended to read:

38       **1. Rules authorized.** The commissioner and the Director of  
40       the Bureau of Health, Department of Human Services, shall jointly  
42       issue rules necessary for the effective implementation of this  
44       subchapter, including, but not limited to, rules specifying those  
46       diseases for which immunization is required and establishing  
~~immunization requirements for each disease,~~ school record keeping  
and reporting requirements or guidelines and procedures for the  
exclusion of nonimmunized children from school.

48       **Sec. 4. 20-A MRSA §6359, sub-§1, ¶C**, as amended by PL 1991, c. 146, §1, is further amended to read:

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2 C. "Disease" means ~~diphtheria, measles, mumps, rubella and~~  
3 tetanus those conditions that may be preventable by  
4 immunizing agent, as specified by rule.

6 **Sec. 5. 20-A MRSA §6359, sub-§2,** as enacted by PL 1985, c.  
7 771, §§2 and 7, is amended to read:

8 **2. Immunization.** Except as otherwise provided under this  
9 section, every student shall have administered an adequate dosage  
10 of an immunizing agent against each disease as specified by rule.

12 Any such immunizing agent shall meet standards for the biological  
13 products, approved by the United States Public Health Service and  
14 the dosage requirement specified by the Department of Human  
15 Services.

16 **Sec. 6. 20-A MRSA §6359, sub-§3, ¶B,** as enacted by PL 1985, c.  
17 771, §§2 and 7, is amended to read:

18 B. The student or the parent, if the student is a minor,  
19 states in writing a sincere religious belief, which is  
20 contrary to the immunization requirement of this subchapter  
21 or an opposition to the immunization for ~~moral,~~  
22 philosophical ~~or-ether-~~personal reasons.

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## SUMMARY

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29 This bill amends immunization requirements for school  
30 children and children in child care to ensure consistent wording  
31 and requirements for the parents of children seeking to exempt  
32 their child from one or more immunization. The bill shifts the  
33 specific disease and vaccine-specific requirements to rulemaking  
34 instead of statute.