

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 941

S.P. 287

In Senate, March 8, 2011

An Act To Prohibit Mandatory Immunizations

Reference to the Committee on Health and Human Services suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator THOMAS of Somerset.

Cosponsored by Representatives: CEBRA of Naples, JOHNSON of Greenville, MALABY of Hancock, O'CONNOR of Berwick, SANDERSON of Chelsea, SIROCKI of Scarborough.

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

2 **Sec. 1. 20-A MRSA §2902, sub-§1**, as enacted by PL 1981, c. 693, §§5 and 8, is
3 repealed.

4 **Sec. 2. 20-A MRSA §5021, sub-§5, ¶B**, as enacted by PL 1995, c. 610, §1, is
5 amended to read:

6 B. The student complies with the same physical examination, ~~immunization~~,
7 insurance, age and semester eligibility requirements as regularly enrolled students
8 participating in the activity. All required documentation must be made available
9 upon request by the school unit.

10 **Sec. 3. 20-A MRSA §6352**, as enacted by PL 1983, c. 661, §8, is repealed.

11 **Sec. 4. 20-A MRSA §6354, sub-§1**, as enacted by PL 1983, c. 661, §8, is
12 amended to read:

13 **1. Immunization.** ~~Except as otherwise provided under this subchapter, every A~~
14 ~~parent shall~~ may cause to be administered to ~~his~~ that parent's child an adequate dosage of
15 an immunizing agent against ~~each~~ a disease.

16 **Sec. 5. 20-A MRSA §6355**, as amended by PL 2001, c. 326, §2, is repealed.

17 **Sec. 6. 20-A MRSA §6358**, as amended by PL 2001, c. 326, §3 and PL 2003, c.
18 689, Pt. B, §6, is repealed.

19 **Sec. 7. 20-A MRSA §6359, sub-§2**, as amended by PL 2001, c. 326, §5 and PL
20 2003, c. 689, Pt. B, §6, is further amended to read:

21 **2. Immunization.** ~~Except as otherwise provided under this section, every A~~ student
22 ~~shall~~ may, if a minor, with parental consent, have administered an adequate dosage of an
23 immunizing agent against ~~each~~ a disease as specified by rule.

24 Any such immunizing agent ~~shall~~ must meet standards for the biological products,
25 approved by the United States Public Health Service, and the dosage requirement
26 specified by the Department of Health and Human Services.

27 **Sec. 8. 20-A MRSA §6359, sub-§3**, as amended by PL 2001, c. 326, §6, is
28 repealed.

29 **Sec. 9. 20-A MRSA §6359, sub-§6**, as amended by PL 1991, c. 146, §4, is
30 repealed.

31 **Sec. 10. 20-A MRSA §6359, last ¶**, as enacted by PL 2001, c. 87, §1, is repealed.

32 **Sec. 11. 22 MRSA §1067** is enacted to read:

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§1067. Immunization

The department may not adopt any rule or take any action that requires mandatory immunization of a person.

Sec. 12. 39-A MRSA §328-A, sub-§5, as enacted by PL 2001, c. 663, §1, is amended to read:

5. Immunization. Whenever any standard, medically recognized vaccine or other form of immunization or other prophylaxis exists for the prevention of a communicable disease for which a presumption is granted under this section, if medically indicated in the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention, an emergency rescue or public safety worker may not be required by the worker's employer to undergo the immunization or other prophylaxis ~~unless the worker's physician determines in writing that the immunization or other prophylaxis would pose a significant risk to the worker's health. Absent such written declaration, failure or refusal by an emergency rescue or public safety worker to undergo such immunization or other prophylaxis disqualifies the worker from the benefits of the presumption.~~

Sec. 13. Rulemaking. The Department of Education and the Department of Health and Human Services shall amend their rules to implement the provisions of this Act. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill prohibits mandatory immunizations for persons.