

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 51

H.P. 26

House of Representatives, January 4, 2023

An Act to Restore Religious and Philosophical Exemptions to Immunization Requirements

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DRINKWATER of Milford.
Cosponsored by Representative: PERKINS of Dover-Foxcroft.

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

2 **Sec. 1. 20-A MRSA §6355, sub-§3**, as repealed by PL 2019, c. 154, §2 and affected
3 by §12, is reenacted to read:

4 **3. Philosophical or religious exemption.** The parent states in writing a sincere
5 religious belief that is contrary to the immunization requirement of this subchapter or an
6 opposition to the immunization for philosophical reasons.

7 **Sec. 2. 20-A MRSA §6355, sub-§4**, as enacted by PL 2019, c. 154, §3, is repealed.

8 **Sec. 3. 20-A MRSA §6358, sub-§1**, as corrected by RR 2019, c. 1, Pt. A, §17, is
9 amended to read:

10 **1. Rules authorized.** The commissioner and the Director of the Maine Center for
11 Disease Control and Prevention within the Department of Health and Human Services shall
12 jointly issue rules necessary for the effective implementation of this subchapter, including,
13 but not limited to, rules specifying those diseases for which immunization is required and
14 establishing school record keeping and reporting requirements or guidelines and
15 procedures for the exclusion of nonimmunized children from school. ~~The rules may not~~
16 ~~include any provision governing medical exemptions.~~ Rules adopted pursuant to this
17 subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A
18 except that rules adopted pursuant to this subchapter specifying the diseases for which
19 immunization is required are major substantive rules as defined in Title 5, chapter 375,
20 subchapter 2-A.

21 **Sec. 4. 20-A MRSA §6359, sub-§3, ¶B**, as repealed by PL 2019, c. 154, §6 and
22 affected by §12, is reenacted to read:

23 B. The student or the parent, if the student is a minor, states in writing a sincere
24 religious belief, which is contrary to the immunization requirement of this subchapter
25 or an opposition to the immunization for philosophical reasons.

26 **Sec. 5. 20-A MRSA §6359, sub-§6**, as amended by PL 2019, c. 154, §7, is further
27 amended to read:

28 **6. Rules; requirements; reports.** The Director of the Maine Center for Disease
29 Control and Prevention within the Department of Health and Human Services shall adopt
30 rules necessary for the effective implementation of this subchapter, including, but not
31 limited to, rules establishing immunization requirements for each disease, school record
32 keeping and reporting requirements or guidelines and procedures for the exclusion of
33 nonimmunized students from school. ~~The rules may not include any provision governing~~
34 ~~medical exemptions.~~ Rules adopted pursuant to this subchapter are routine technical rules
35 as defined in Title 5, chapter 375, subchapter 2-A except that rules adopted pursuant to this
36 subchapter specifying the diseases for which immunization is required are major
37 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

40 **Sec. 6. 22 MRSA §802, sub-§4-B, ¶B**, as repealed by PL 2019, c. 154, §9, is
41 reenacted to read:

1 B. A religious or philosophical exemption is available to an employee who states in
2 writing a sincere religious or philosophical belief that is contrary to the immunization
3 requirement of this subchapter.

4 **Sec. 7. 22 MRSA §8402, sub-§3, ¶A**, as amended by PL 2019, c. 154, §10 and
5 affected by §12, is further amended to read:

6 A. The department shall adopt rules regarding the health of staff as required to protect
7 the health and safety of the children. The rules must include a requirement that every
8 2 years each licensee, administrator or other staff member of the nursery school who
9 provides care for children be declared free from communicable disease by a licensed
10 physician, nurse practitioner or physician assistant, except that this requirement may
11 be waived for a person who objects on the grounds of sincerely held religious or
12 philosophical belief. Rules adopted pursuant to this paragraph are routine technical
13 rules as defined in Title 5, chapter 375, subchapter 2-A.

14 **Sec. 8. PL 2019, c. 154, §11** is repealed.

15 **Sec. 9. Rules.** The Department of Education and the Department of Health and
16 Human Services shall amend their rules in order to provide for exempting persons from
17 immunization requirements because of their religious or philosophical beliefs in
18 accordance with this Act. Rules adopted pursuant to this section are routine technical rules
19 pursuant to the Maine Revised Statutes, Title 20-A, section 6358, subsection 1 and section
20 6359, subsection 6 and Title 22, section 802, subsection 3 and section 8402, subsection 3,
21 paragraph A.

22 SUMMARY

23 Public Law 2019, chapter 154 removed the exemption from immunization
24 requirements based on religious or philosophical beliefs for students in elementary,
25 secondary and postsecondary schools and employees of nursery schools and certain health
26 care facilities. This bill reinstates the religious and philosophical exemptions.