

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 869

S.P. 366

In Senate, February 24, 2023

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**An Act to Protect Education Access by Prohibiting a Mandate for Schoolchildren for a COVID-19 Vaccine or a Vaccine Under an Emergency Use Authorization**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator KEIM of Oxford.  
Cosponsored by Representative SAMPSON of Alfred and  
Senators: BRAKEY of Androscoggin, GUERIN of Penobscot, LYFORD of Penobscot,  
MOORE of Washington, POULIOT of Kennebec, Representatives: HENDERSON of  
Rumford, LYMAN of Livermore Falls.

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

2 **Sec. 1. 20-A MRSA §6359, sub-§6**, as amended by PL 2019, c. 154, §7, is further  
3 amended to read:

4 **6. Rules; requirements; reports.** The Director of the Maine Center for Disease  
5 Control and Prevention within the Department of Health and Human Services shall adopt  
6 rules necessary for the effective implementation of this subchapter, including, but not  
7 limited to, rules establishing immunization requirements for each disease, school record  
8 keeping and reporting requirements or guidelines and procedures for the exclusion of  
9 nonimmunized students from school. The rules may not include any provision governing  
10 medical exemptions and may not require a vaccine approved for use solely under an  
11 emergency use authorization by the federal Food and Drug Administration or a vaccine for  
12 coronavirus disease 2019, or COVID-19. Rules adopted pursuant to this subchapter are  
13 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A except that rules  
14 adopted pursuant to this subchapter specifying the diseases for which immunization is  
15 required are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

18 **SUMMARY**

19 This bill prohibits the Director of the Maine Center for Disease Control and Prevention  
20 within the Department of Health and Human Services from requiring by rule a vaccine  
21 approved for use solely under an emergency use authorization or a COVID-19 vaccine.