

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1098

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H.P. 693

House of Representatives, March 9, 2023

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### **An Act to Restore Religious and Philosophical Exemptions Regarding Immunization Requirements**

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

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

ROBERT B. HUNT  
Clerk

Presented by Representative BAGSHAW of Windham.  
Cosponsored by Senator MOORE of Washington and  
Representatives: FAULKINGHAM of Winter Harbor, HENDERSON of Rumford, JAVNER  
of Chester, PAUL of Winterport, PERKINS of Dover-Foxcroft, RUDNICKI of Fairfield,  
SAMPSON of Alfred, Senator: KEIM of Oxford.

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2 **Sec. 1. 20-A MRSA §6355, sub-§3**, as repealed by PL 2019, c. 154, §2 and affected  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7 **Sec. 2. 20-A MRSA §6355, sub-§4**, as enacted by PL 2019, c. 154, §3, is repealed.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. 20-A MRSA §6359, last ¶**, as enacted by PL 2001, c. 87, §1, is amended  
41 to read:

1 A student who is enrolled in a private school, a virtual public charter school as defined  
2 in section 2401, subsection 11 or a distance education program offered by a school and  
3 who does not physically attend any classes or programs at a school facility, including a  
4 campus, center or site of that school, or at a school facility, including a campus, center or  
5 site of any other school, is exempt from the provisions of this section.

6 **Sec. 7. 22 MRSA §802, sub-§4-B, ¶B**, as repealed by PL 2019, c. 154, §9, is  
7 reenacted to read:

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

11 **Sec. 8. 22 MRSA §8402, sub-§3, ¶A**, as amended by PL 2019, c. 154, §10 and  
12 affected by §12, is further amended to read:

13 A. The department shall adopt rules regarding the health of staff as required to protect  
14 the health and safety of the children. The rules must include a requirement that every  
15 2 years each licensee, administrator or other staff member of the nursery school who  
16 provides care for children be declared free from communicable disease by a licensed  
17 physician, nurse practitioner or physician assistant, except that this requirement may  
18 be waived for a person who objects on the grounds of sincerely held religious or  
19 philosophical belief. Rules adopted pursuant to this paragraph are routine technical  
20 rules as defined in Title 5, chapter 375, subchapter 2-A.

21 **Sec. 9. PL 2019, c. 154, §11** is repealed.

22 **Sec. 10. Rules.** The Department of Education and the Department of Health and  
23 Human Services shall amend their rules in order to provide for exempting persons from  
24 immunization requirements because of their religious or philosophical beliefs in  
25 accordance with this Act. Rules adopted pursuant to this section are routine technical rules  
26 pursuant to the Maine Revised Statutes, Title 20-A, section 6358, subsection 1 and section  
27 6359, subsection 6 and Title 22, section 802, subsection 3 and section 8402, subsection 3,  
28 paragraph A.

## 29 SUMMARY

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

34 Current law provides that a student enrolled in a distance education program is exempt  
35 from the school immunization requirements. This bill expands that exemption to private  
36 schools and virtual public charter schools.