

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1209

H.P. 769

House of Representatives, March 16, 2023

**An Act to Reinstate the Religious and Philosophical Vaccine
Exemptions for Private Schools and Virtual Public Charter Schools**

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 BOYER of Poland.
Cosponsored by Representatives: DANA of the Passamaquoddy Tribe, FAULKINGHAM of Winter Harbor, MILLIKEN of Blue Hill, RISEMAN of Harrison, THERIAULT of Fort Kent, WILLIAMS of Bar Harbor.

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

2 **Sec. 1. 20-A MRSA §6355, sub-§3-A** is enacted to read:

3 **3-A. Philosophical or religious exemption; private schools and virtual public**
4 **charter schools.** The parent of a student enrolled in a private school or a virtual public
5 charter school as defined in section 2401, subsection 11 states in writing a sincere religious
6 belief that is contrary to the immunization requirement of this subchapter or an opposition
7 to the immunization for philosophical reasons.

8 **Sec. 2. 20-A MRSA §6355, sub-§4,** as enacted by PL 2019, c. 154, §3, is repealed.

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

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

22 **Sec. 4. 20-A MRSA §6359, sub-§3, ¶C** is enacted to read:

23 C. The student enrolled in a private school or a virtual public charter school as defined
24 in section 2401, subsection 11 or the parent, if the student is a minor, states in writing
25 a sincere religious belief that is contrary to the immunization requirement of this
26 subchapter or an opposition to the immunization for philosophical reasons.

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

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

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

41 **Sec. 6. PL 2019, c. 154, §11** is repealed.

