

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1598

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S.P. 629

In Senate, April 11, 2023

**An Act to Allow an Exception to Immunization Requirements for  
Health Care Workers for Vaccines Approved Under Emergency Use  
Authorization**

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Reference to the Committee on Health Coverage, Insurance and Financial Services  
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 STEWART of Aroostook.  
Cosponsored by Senators: LIBBY of Cumberland, MOORE of Washington, POULIOT of  
Kennebec, Representatives: ARDELL of Monticello, BABIN of Fort Fairfield, GUERRETTE  
of Caribou, JAVNER of Chester, QUINT of Hodgdon.

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

2 **Sec. 1. 22 MRSA §802, sub-§4-B, ¶D** is enacted to read:

3 D. An exemption is available if the only available vaccine for a disease is one that is  
4 approved by the federal Food and Drug Administration under an emergency use  
5 authorization.

6 **Sec. 2. 26 MRSA §600-B** is enacted to read:

7 **§600-B. Prohibition on certain required vaccinations**

8 **1. Definitions.** As used in this section, "employee" has the same meaning as in Title  
9 22, section 802.

10 **2. Prohibition.** An employer or an agent of an employer may not:

11 A. Require, as a condition of employment, that any employee or prospective employee  
12 obtain a vaccine that is approved by the federal Food and Drug Administration under  
13 an emergency use authorization; or

14 B. Retaliate against an employee for refusing to obtain a vaccine that is approved by  
15 the federal Food and Drug Administration under an emergency use authorization.

16 **SUMMARY**

17 This bill allows an exemption from immunization requirements for health care workers  
18 if the only available vaccine for a disease is one that is approved by the federal Food and  
19 Drug Administration under an emergency use authorization and provides that an employer  
20 of health care workers may not require a vaccine approved under an emergency use  
21 authorization or retaliate against an employee for refusing to obtain a vaccine that is  
22 approved by the federal Food and Drug Administration under an emergency use  
23 authorization.