

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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J.S. McCarthy Co., Inc.
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

effective until 90 days after adjournment of the Legislature.

Effective July 25, 1984, unless otherwise indicated.

CHAPTER 661

H.P. 1642 - L.D. 2172

AN ACT to Correct Errors and
Inconsistencies in the School Immunization Law
and other Related Laws.

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

Sec. 1. 20-A MRSA §1001, sub-§11, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 2. 20-A MRSA §1001, sub-§11-A is enacted to read:

11-A. Exposure to communicable disease. They shall adopt a policy for enforcement by the superintendent to safeguard the health of any student or employee who has contracted or been exposed to a communicable disease, in accordance with sections 6301, 6351-A and 6551, and Title 22, chapter 251.

Sec. 3. 20-A MRSA §6301, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Duty of teacher. A teacher who believes that a student is so filthy or diseased as to be offensive or dangerous to others, or because they are the bearers bearer of vermin or parasites, or have an infectious or contagious has a communicable disease of the skin, mouth or eyes, shall inform the superintendent.

Sec. 4. 20-A MRSA §6301, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Duty of superintendent. A superintendent informed by a teacher under subsection 1 shall:

A. Inform the student's parent:

(1) To cleanse the clothing and bodies of their children; and

(2) To furnish their children with the required home or medical treatment for the relief of their trouble so defined in subsection 1; and

B. Exclude the student from the public schools until the student is no longer offensive or dangerous; and

C. Exclude the student from public school as soon as safe and proper transportation home is available.

Sec. 5. 20-A MRSA §6301, sub-§5, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 6. 20-A MRSA §6301, sub-§5-A is enacted to read:

5-A. Notification. The superintendent shall cause notice of the communicable disease to be given to the Department of Human Services, in accordance with the requirements of Title 22, chapter 251, and rules issued under that chapter.

Sec. 7. 20-A MRSA §6351, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 8. 20-A MRSA §§6352 to 6358 are enacted to read:

§6352. Immunization

To assure a safe and healthful school environment, the Legislature intends that the provisions of this subchapter on immunization shall apply in the schools of the State.

§6353. Definitions

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Certificate of immunization. "Certificate of immunization" means a written statement from a physician, nurse or health official who has administered an immunizing agent to a child, specifying the dosage administered and the date it was administered.

2. Child. "Child" means and includes every child entering school.

3. Disease. "Disease" means diptheria, measles, mumps, pertussis, poliomyelitis, rubella and tetanus.

4. Immunizing agent. "Immunizing agent" means a vaccine, antitoxin or other substances used to increase an individual's immunity to a disease.

5. Parent. "Parent" means a child's parent, legal guardian or custodian. A person shall be regarded as a child's custodian if that person is an adult and has assumed legal charge and care of the child.

6. Public health official. "Public health official" means a local health officer, the Director of the Bureau of Health, Department of Human Services, or any designated employee or agent of the Department of Human Services.

7. School. "School" means any public or private elementary or secondary school in the State.

8. Superintendent. "Superintendent" means the superintendent of schools of a school administrative unit, or a person designated by the superintendent, and the chief administrative officer of a private school.

§6354. Immunization

1. Immunization required. Except as otherwise provided under this subchapter, every parent shall cause to be administered to his child an adequate dosage of an immunizing agent against each disease.

2. Immunizing agent to meet standards. Any such immunizing agent shall meet standards for such biological products, approved by the United States Public Health Service and the dosage requirement specified by the Department of Human Services.

§6355. Enrollment in school

No superintendent may permit any child to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease, except as follows.

1. Written assurance. The parent provides a written assurance the child will be immunized within 90 days by private effort or provides, where applica-

ble, a written consent to the child's immunization by a health officer, physician, nurse or other authorized person in public or private employ.

2. Physician's statement. The parent or the child provides a physician's written statement that immunization against one or more of the diseases may be medically inadvisable.

3. Moral, philosophical or personal reasons. The parent states in writing a sincere religious belief which is contrary to the immunization requirement of this subchapter or an opposition to the immunization for moral, philosophical or other personal reasons.

§6356. Exclusion from school

1. Public health official action. When a public health official has reason to believe that the continued presence in a school of a child who has not been immunized against one or more diseases presents a clear danger to the health of others, the public health official shall notify the superintendent of the school. The superintendent shall cause the child to be excluded from school during the period of danger or until the child receives the necessary immunizing agent.

Whenever, as a result of this section, a child is absent from the public school for more than 10 days, the superintendent shall make arrangements to meet the educational needs of the child.

2. Superintendent's action. Notwithstanding the provisions of this subchapter on immunization against specified diseases, a superintendent shall exclude from the public schools any child because of filth or communicable disease, in accordance with section 6301, and the superintendent shall exclude from school any child or employee who has contracted or has been exposed to a communicable disease as directed by a local health officer, the Department of Human Services or the school physician.

§6357. Records; report

1. Record keeping. Each superintendent shall keep uniform records of the immunizations and immunization status of each child based on the certificate of immunization, other acceptable evidence and other available documents. The records shall be part of the child's permanent education records. These records shall be confidential, except that state and local health personnel shall have access to

them in connection with an emergency, as provided by the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, United States Code, Title 20, Section 1232g(b) (1) (I) and regulations adopted under that Act.

2. Annual report of immunization status. By December 15th of each year, each superintendent shall submit to the Director of the Bureau of Health, Department of Human Services, and to the commissioner a summary report of immunization status of the children entering school, as prescribed by rule.

§6358. Rules; requirements; reports

1. Rules authorized. The commissioner and the Director of the Bureau of Health, Department of Human Services, shall jointly issue rules necessary for the effective implementation of this subchapter, including, but not limited to, rules establishing immunization requirements for each disease, school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized children from school.

2. Local requirements authorized. Immunization requirements more stringent than the provisions of this subchapter may be adopted by ordinance enacted by a municipality, by regulation of a school board or by policy of a private school's governing board.

Sec. 9. 22 MRS §1032, as enacted by PL 1977, c. 304, §2, is amended to read:

§1032. Confidentiality

The names and related information which may identify individuals having or suspected of having a notifiable communicable disease shall be confidential and may be released only to other public health officials, agents or agencies, or to school officials where a child is enrolled, for a public health purpose. All other information submitted pursuant to this article may be made available to the public.

Effective July 25, 1984.

CHAPTER 662

H.P. 1484 - L.D. 1947

AN ACT to Change the Name of Coho Salmon to Pacific Salmon.