

Existing Maine law language explicitly changed by LD 798
Sections included here are those most pertinent to Maine students and vaccination

[brackets (in original) indicate the history of the section]

Bold italics indicate sections to be deleted

Ellipsis (...) indicates text irrelevant to this issue has been omitted here

https://dickatlee.com/vaccines/maine/ld798_law_changes.pdf

Title 20-A: EDUCATION

Part 3: ELEMENTARY AND SECONDARY EDUCATION

Chapter 223: HEALTH, NUTRITION AND SAFETY

Subchapter 2: IMMUNIZATION

§6355. Enrollment in school

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec6355.html>

A superintendent may not 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. [2001, c. 326, §2 (AMD).]

1. Written assurance. The parent provides a written assurance the child will be immunized within 90 days by private effort or provides, where applicable, a written consent to the child's immunization by a health officer, physician, nurse or other authorized person in public or private employ. [1983, c. 661, §8 (NEW) .]

2. Medical exemption. The parent or the child provides a physician's written statement that immunization against one or more of the diseases may be medically inadvisable. [2001, c. 326, §2 (AMD) .]

3. *Philosophical or religious exemption. The parent states in writing a sincere religious belief that is contrary to the immunization requirement of this subchapter or an opposition to the immunization for philosophical reasons.* [2001, c. 326, §2 (AMD) .]

§6359. Immunization of students

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec6359.html>

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1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

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- G. "School" means any public or private, post-secondary school in the State including, but not limited to colleges, universities, community colleges and schools for the health professions. [1989, c. 443, §22 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

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2. Immunization. Except as otherwise provided under this section, every student shall have administered an adequate dosage of an immunizing agent against each disease as specified by rule. ...[2001, c. 326, §5 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

...

3. Enrollment of school. No chief administrative officer may permit any student 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.

A. The parent or the student provides a physician's written statement or a written statement from a school health provider that immunization against one or more of the diseases may be medically inadvisable. [1991, c. 146, §3 (AMD).]

B. *The student or the parent, if the student is a minor, states in writing a sincere religious belief, which is contrary to the immunization requirement of this subchapter or an opposition to the immunization for philosophical reasons.* [2001, c. 326, §6 (AMD).]

4. Exclusion from school. When a public health official has reason to believe that the continued presence in a school of a student 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 chief administrative officer of the school. The chief administrative officer shall cause the student to be excluded from school during the period of danger or until the student receives the necessary immunizing agent. [1985, c. 771, §2, 7 (NEW) .]

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Title 22: HEALTH AND WELFARE

Subtitle 2: HEALTH

Part 3: PUBLIC HEALTH

Chapter 250: CONTROL OF NOTIFIABLE DISEASES AND CONDITIONS

Subchapter 1: DEFINITIONS; RULES; PENALTIES; INSPECTIONS; GENERAL AUTHORITY

§802. Authority of department

<http://www.mainelegislature.org/legis/statutes/22/title22sec802.html>

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4. Immunization required. [2001, c. 185, §1 (RP) .]

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4-B. Exemptions to immunization. Employees are exempt from immunization otherwise required by this subchapter or by rules adopted by the department pursuant to this section under the following circumstances.

A. A medical exemption is available to an employee who provides a physician's written statement that immunization against one or more diseases may be medically inadvisable. [2001, c. 185, §2 (NEW).]

B. *A religious or philosophical exemption is available to an employee who states in writing a sincere religious or philosophical belief that is contrary to the immunization requirement of this subchapter.* [2001, c. 185, §2 (NEW).]

C. An exemption is available to an individual who declines hepatitis B vaccine, as provided

for by the relevant law and regulations of the federal Department of Labor, Occupational Health and Safety Administration. [2001, c. 185, §2 (NEW).]

5. Immunization requirements for nursing facility staff. A nursing facility or licensed assisted living facility shall adopt a facility policy that recommends and offers annual immunizations against influenza to all personnel who provide direct care to residents of the facility. [1999, c. 378, §2 (NEW) .]

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Title 22: HEALTH AND WELFARE
Subtitle 6: FACILITIES FOR CHILDREN AND ADULTS
Chapter 1675: NURSERY SCHOOLS

§8402. Licensure

<http://www.mainelegislature.org/legis/statutes/22/title22sec8402.html>

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3. Requirements. In order to receive a license from the department, a nursery school must meet the requirements of chapter 1673 applicable to nursery schools and the following requirements.

- A. The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, *except that this requirement may be waived for a person who objects on the grounds of sincerely held religious or philosophical belief*. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter *II*2-A. [2001, c. 645, §10 (AMD).]

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