

LD 987
An Act To Provide Autonomy for Health Care Providers
To Practice Patient-centered Care by Amending the Laws
Governing Medical Exemptions to Immunization Requirements

http://www.mainelegislature.org/legis/bills/display_ps.asp?ld=987&PID=1456&snum=129

this format: https://dickatlee.com/vaccines/maine/ld987_text.pdf

for existing law repeals, see: https://dickatlee.com/vaccines/maine/ld987_law_changes.pdf

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

Sec. 1. **20-A MRSA §6353, sub-§1**, as enacted by PL 1983, c. 661, §8, is amended to read:

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

Sec. 2. **20-A MRSA §6353, sub-§3-A** is enacted to read:

3-A. Health care provider. "Health care provider" means a physician, nurse or person that is licensed or otherwise authorized in this State to prescribe an immunizing agent.

Sec. 3. **20-A MRSA §6355, sub-§1**, as enacted by PL 1983, c. 661, §8, is amended to read:

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 public health officer, ~~physician, nurse or other authorized person~~ or a health care provider in public or private employ.

Sec. 4. **20-A MRSA §6355, sub-§2**, as amended by PL 2001, c. 326, §2, is further amended to read:

2. Medical exemption. The parent or the child provides a physician's health care provider's written statement that immunization against one or more of the diseases may be medically inadvisable as determined by the health care provider. An exemption under this subsection is at the sole discretion of the health care provider providing the written statement. The Commissioner of Education and the Department of Health and Human Services may not adopt rules limiting the application of this subsection, including, but not limited to, rules establishing requirements for medical exemptions and rules requiring review, acceptance or rejection of medical exemptions by the Commissioner of Education or the Department of Health and Human Services.

Sec. 5. **20-A MRSA §6358, sub-§2**, as enacted by PL 1983, c. 661, §8, is repealed.

Sec. 6. **20-A MRSA §6359, sub-§1, ¶A**, as amended by PL 1991, c. 146, §1, is further amended to read:

A. "Certificate of immunization" means a written statement from a ~~physician, nurse~~ health care provider or public health official who has administered an immunizing agent to a student,

specifying the dosage administered and the date it was administered.

Sec. 7. **20-A MRSA §6359, sub-§1, ¶G-1**, as enacted by PL 1991, c. 146, §2, is repealed.

Sec. 8. **20-A MRSA §6359, sub-§3, ¶A**, as amended by PL 1991, c. 146, §3, is further amended to read:

A. The parent or the student provides a physician's health care provider'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 as determined by the health care provider. An exemption under this paragraph is at the sole discretion of the health care provider providing the written statement. The school may not adopt policies limiting the application of this paragraph, including, but not limited to, policies establishing requirements for medical exemptions and policies requiring the school's review, acceptance or rejection of medical exemptions.

Sec. 9. **20-A MRSA §6359, sub-§6**, as amended by PL 1991, c. 146, §4, is further amended to read:

6. Rules; requirements; reports. The Director of the Bureau of Health shall adopt rules necessary for the effective implementation of this subchapter, including, but not limited to, rules establishing immunization requirements ~~and medical exceptions to receiving vaccines or toxoids~~ for each disease, school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized students from school. ~~Immunization requirements more stringent than the provisions of this subchapter may be adopted by a school board or by policy of a private school's governing board.~~

Sec. 10. **22 MRSA §802, sub-§4-B, ¶A**, as enacted by PL 2001, c. 185, §2, is amended to read:

A. A medical exemption is available to an employee who provides a physician's health care provider's written statement that immunization against one or more diseases may be medically inadvisable as determined by the health care provider. An exemption under this paragraph is at the sole discretion of the health care provider providing the written statement. The department may not adopt rules limiting the application of this paragraph, including, but not limited to, rules establishing requirements for medical exemptions and rules requiring review, acceptance or rejection of medical exemptions by the department. For the purposes of this paragraph, "health care provider" has the same meaning as in Title 20-A, section 6353, subsection 3-A.

Sec. 11. **22 MRSA §8302-A, sub-§1, ¶B**, as enacted by PL 1997, c. 494, §10 and affected by §15, is amended to read:

B. The health and safety of the children and staff, including training on communicable diseases . Rules adopted by the department that require a child attending a child care facility to be immunized must provide that a medical exemption is available if the child's parent or legal guardian provides a health care provider's written statement that immunization against one or more diseases may be medically inadvisable as determined by the health care provider. An exemption is at the sole discretion of the health care provider providing the written statement. The department may not adopt rules limiting the application of this paragraph, including, but not limited to, rules establishing requirements for medical exemptions and rules requiring review, acceptance or rejection of medical exemptions by the department. For the purposes of this

paragraph, "health care provider" has the same meaning as in Title 20-A, section 6353, subsection 3-A;

Sec. 12. **22 MRSA §8302-A, sub-§2, ¶H**, as enacted by PL 1997, c. 494, §10 and affected by §15, is amended to read:

H. Health and safety of the children and staff . Rules adopted by the department that require a child attending day care in the home of a family child care provider to be immunized must provide that a medical exemption is available if the child's parent or legal guardian provides a health care provider's written statement that immunization against one or more diseases may be medically inadvisable as determined by the health care provider. An exemption is at the sole discretion of the health care provider providing the written statement. The department may not adopt rules limiting the application of this paragraph, including, but not limited to, rules establishing requirements for medical exemptions and rules requiring review, acceptance or rejection of medical exemptions by the department. For the purposes of this paragraph, "health care provider" has the same meaning as in Title 20-A, section 6353, subsection 3-A;

SUMMARY

This bill provides that a medical exemption from immunization for the purposes of attendance at a nursery school, a child care facility, a family child care provider or an elementary, secondary or postsecondary school, or for employees at certain health care facilities, is at the sole discretion of the student's or employee's health care provider. It prohibits the adoption of rules or policies related to medical exemptions, including, but not limited to, rules or policies that establish requirements for medical exemptions and rules or policies requiring the review, acceptance or rejection of medical exemptions. The bill also removes the authority of school boards, the governing boards of private schools and municipalities to have more stringent immunization requirements than state law.