An Act To Amend the Laws Governing Vaccines by Reinstating Religious Exemptions

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Presented by Representative KINNEY of Knox.
Cosponsored by Representatives: CARMICHAEL of Greenbush, COLLAMORE of Pittsfield, CONNOR of Lewiston, GRIFFIN of Levant, JAVNER of Chester, LYMAN of Livermore Falls, O'CONNOR of Berwick, RUDNICKI of Fairfield.
Be it enacted by the People of the State of Maine as follows:

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

3-A. Religious exemption. The parent states in writing a sincere religious belief that is contrary to the immunization requirement of this subchapter.

Sec. 2. 20-A MRSA §6355, sub-§4, as enacted by PL 2019, c. 154, §3, is amended to read:

4. Student covered by individualized education plan. A student covered by an individualized education plan on September 1, 2021 who elected a philosophical or religious exemption from immunization requirements on or before September 1, 2021 pursuant to the law in effect prior to that date may continue to attend school under that student's existing exemption as long as:

A. The parent or guardian of the student provides a statement from a licensed physician, nurse practitioner or physician assistant that the physician, nurse practitioner or physician assistant has consulted with that parent or guardian and has made that parent or guardian aware of the risks and benefits associated with the choice to immunize; or

B. If the student is 18 years of age or older, the student provides a statement from a licensed physician, nurse practitioner or physician assistant that the physician, nurse practitioner or physician assistant has consulted with that student and has made that student aware of the risks and benefits associated with the choice to immunize.

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

C. The student or the parent, if the student is a minor, states in writing a sincere religious belief that is contrary to the immunization requirement of this subchapter.

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

B-1. A religious exemption is available to an employee who states in writing a sincere religious belief that is contrary to the immunization requirement of this subchapter.

Sec. 5. 22 MRSA §8402, sub-§3, ¶A, as amended by PL 2019, c. 154, §10 and affected by §12, is further amended to read:

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, nurse practitioner or physician assistant, except that this requirement may be waived for a person who objects on the grounds of sincerely held religious belief. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

Public Law 2019, chapter 154 removes the exemption from immunization requirements based on religious belief for students in elementary, secondary and postsecondary schools and employees of nursery schools and certain health care facilities. This bill reinstates the religious exemption.