



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 833

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H.P. 601

House of Representatives, March 8, 2021

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

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

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.

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

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

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

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

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

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

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

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

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

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

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

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

29 A. The department shall adopt rules regarding the health of staff as required to protect  
30 the health and safety of the children. The rules must include a requirement that every  
31 2 years each licensee, administrator or other staff member of the nursery school who  
32 provides care for children be declared free from communicable disease by a licensed  
33 physician, nurse practitioner or physician assistant, except that this requirement may  
34 be waived for a person who objects on the grounds of sincerely held religious belief.  
35 Rules adopted pursuant to this paragraph are routine technical rules as defined in Title  
36 5, chapter 375, subchapter 2-A.

## 37 SUMMARY

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