



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 51

H.P. 26

House of Representatives, January 4, 2023

An Act to Restore Religious and Philosophical Exemptions to Immunization Requirements

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

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

ROBERT B. HUNT
Clerk

Presented by Representative DRINKWATER of Milford.
Cosponsored by Representative: PERKINS of Dover-Foxcroft.

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

2 **Sec. 1. 20-A MRSA §6355, sub-§3**, as repealed by PL 2019, c. 154, §2 and affected
3 by §12, is reenacted to read:

4 **3. Philosophical or religious exemption.** The parent states in writing a sincere
5 religious belief that is contrary to the immunization requirement of this subchapter or an
6 opposition to the immunization for philosophical reasons.

7 **Sec. 2. 20-A MRSA §6355, sub-§4**, as enacted by PL 2019, c. 154, §3, is repealed.

8 **Sec. 3. 20-A MRSA §6358, sub-§1**, as corrected by RR 2019, c. 1, Pt. A, §17, is
9 amended to read:

10 **1. Rules authorized.** The commissioner and the Director of the Maine Center for
11 Disease Control and Prevention within the Department of Health and Human Services shall
12 jointly issue rules necessary for the effective implementation of this subchapter, including,
13 but not limited to, rules specifying those diseases for which immunization is required and
14 establishing school record keeping and reporting requirements or guidelines and
15 procedures for the exclusion of nonimmunized children from school. ~~The rules may not~~
16 ~~include any provision governing medical exemptions.~~ Rules adopted pursuant to this
17 subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A
18 except that rules adopted pursuant to this subchapter specifying the diseases for which
19 immunization is required are major substantive rules as defined in Title 5, chapter 375,
20 subchapter 2-A.

21 **Sec. 4. 20-A MRSA §6359, sub-§3, ¶B**, as repealed by PL 2019, c. 154, §6 and
22 affected by §12, is reenacted to read:

23 B. The student or the parent, if the student is a minor, states in writing a sincere
24 religious belief, which is contrary to the immunization requirement of this subchapter
25 or an opposition to the immunization for philosophical reasons.

26 **Sec. 5. 20-A MRSA §6359, sub-§6**, as amended by PL 2019, c. 154, §7, is further
27 amended to read:

28 **6. Rules; requirements; reports.** The Director of the Maine Center for Disease
29 Control and Prevention within the Department of Health and Human Services shall adopt
30 rules necessary for the effective implementation of this subchapter, including, but not
31 limited to, rules establishing immunization requirements for each disease, school record
32 keeping and reporting requirements or guidelines and procedures for the exclusion of
33 nonimmunized students from school. ~~The rules may not include any provision governing~~
34 ~~medical exemptions.~~ Rules adopted pursuant to this subchapter are routine technical rules
35 as defined in Title 5, chapter 375, subchapter 2-A except that rules adopted pursuant to this
36 subchapter specifying the diseases for which immunization is required are major
37 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

38 Immunization requirements more stringent than the provisions of this subchapter may be
39 adopted by a school board or by policy of a private school's governing board.

40 **Sec. 6. 22 MRSA §802, sub-§4-B, ¶B**, as repealed by PL 2019, c. 154, §9, is
41 reenacted to read:

