

By: Senator Hollinger

Requested: October 19, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 23, 1996

CHAPTER ____

1 AN ACT concerning

2 **Senior Institutions of Higher Education - Requirement for Immunizations**

3 FOR the purpose of requiring each senior institution of higher education to require each
4 student to submit certain records of certain immunizations ~~against certain diseases~~
5 before enrolling the student; providing certain exceptions; requiring each institution
6 to keep certain records and make them available to certain persons for certain
7 purposes; requiring the Department of Health and Mental Hygiene, in consultation
8 with the Medical and Chirurgical Faculty of Maryland and the Maryland Higher
9 Education Commission, to adopt certain regulations; defining certain terms; and
10 generally relating to requiring records of certain immunizations before enrolling
11 students in senior institutions of higher education in the State.

12 BY adding to

13 Article - Education

14 Section 11-207

15 Annotated Code of Maryland

16 (1992 Replacement Volume and 1995 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Education**

20 11-207.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "SENIOR INSTITUTION OF HIGHER EDUCATION" MEANS:

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1 (I) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; OR

2 (II) A NONPUBLIC INSTITUTION OF HIGHER EDUCATION THAT
3 AWARDS DEGREES AT THE BACCALAUREATE OR GRADUATE LEVEL.

4 (3) "STUDENT" MEANS AN UNDERGRADUATE OR GRADUATE STUDENT
5 WHO IS UNDER THE AGE OF 31 YEARS AND IS ENROLLED FULL-TIME OR PART-TIME
6 IN A PROGRAM OR COURSE OF STUDY LEADING TO AN ACADEMIC DEGREE AT A
7 SENIOR INSTITUTION OF HIGHER EDUCATION.

8 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, BEFORE
9 PERMITTING A STUDENT TO ENROLL IN THE INSTITUTION, EACH SENIOR
10 INSTITUTION OF HIGHER EDUCATION SHALL REQUIRE THE STUDENT TO SUBMIT TO
11 THE INSTITUTION A VALID IMMUNIZATION RECORD THAT DOCUMENTS THE
12 ADMINISTRATION OF ADEQUATE IMMUNIZATIONS ~~AGAINST DIPHTHERIA, TETANUS,~~
13 ~~POLIOMYELITIS, MEASLES (RUBEOLA), GERMAN MEASLES (RUBELLA), AND MUMPS~~
14 IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH
15 AND MENTAL HYGIENE.

16 (C) A STUDENT SHALL BE EXEMPT FROM THE IMMUNIZATION
17 REQUIREMENTS SET FORTH IN SUBSECTION (B) OF THIS SECTION IF:

18 (1) THE STUDENT SUBMITS TO THE SENIOR INSTITUTION OF HIGHER
19 EDUCATION A WRITTEN STATEMENT THAT IMMUNIZATION CONFLICTS WITH THE
20 STUDENT'S RELIGIOUS BELIEFS UNLESS THE SECRETARY OF THE DEPARTMENT OF
21 HEALTH AND MENTAL HYGIENE HAS DECLARED AN EMERGENCY OR EPIDEMIC OF
22 DISEASE; OR

23 (2) THE STUDENT'S LICENSED PHYSICIAN SUBMITS A STATEMENT THAT
24 STATES THAT THE ADMINISTRATION OF ONE OR MORE OF THE REQUIRED
25 IMMUNIZING AGENTS WOULD BE DETRIMENTAL TO THE STUDENT'S HEALTH.

26 (D) ~~(1) EACH INSTITUTION~~ SENIOR INSTITUTION OF HIGHER EDUCATION
27 SHALL KEEP THE RECORDS SUBMITTED UNDER SUBSECTIONS (B) AND (C) OF THIS
28 SECTION IN THE FORM AND MANNER REQUIRED BY THE DEPARTMENT OF HEALTH
29 AND MENTAL HYGIENE.

30 (2) THE RECORDS MAINTAINED UNDER PARAGRAPH (1) OF THIS
31 SUBSECTION SHALL BE MADE AVAILABLE FOR REVIEW BY A HEALTH OFFICER AS
32 NEEDED TO ENSURE COMPLIANCE WITH THE REGULATIONS ADOPTED IN
33 ACCORDANCE WITH THIS SECTION OR TO ASCERTAIN THE IMMUNE STATUS OF A
34 STUDENT.

35 (E) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IN
36 CONSULTATION WITH THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND
37 AND THE MARYLAND HIGHER EDUCATION COMMISSION, SHALL ADOPT
38 REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

39 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
40 July 1, 1996.

