
By: **Delegates Dwyer, Boteler, and Impallaria**
Introduced and read first time: February 11, 2005
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health - Immunizations - Exemptions from Immunization Requirements**

3 FOR the purpose of exempting individuals who object to immunizations for reasons of
4 conscience or whose parents or guardians object to immunizations for reasons of
5 conscience from certain immunization requirements; repealing certain
6 exceptions when the Secretary of Health and Mental Hygiene declares an
7 emergency or an epidemic of disease; requiring the Department of Health and
8 Mental Hygiene to adopt certain rules and regulations regarding exemptions
9 from immunization requirements; and generally relating to exemptions from
10 immunization requirements.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 7-403(b)
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Health - General
18 Section 18-102(c), 18-403, and 18-404
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2004 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Education**

24 7-403.

25 (b) (1) [Unless the Secretary of Health and Mental Hygiene declares an
26 emergency or an epidemic of disease, a] A child whose parent or guardian objects to
27 immunization FOR REASONS OF CONSCIENCE OR on the ground that it conflicts with
28 the parent's or guardian's bona fide religious beliefs and practices may not be

1 required to present a physician's certification of immunization in order to be admitted
2 to school.

3 (2) The Secretary of Health and Mental Hygiene shall adopt rules and
4 regulations for [religious] exemptions FOR REASONS OF CONSCIENCE AND
5 RELIGIOUS BELIEFS under this subsection.

6 **Article - Health - General**

7 18-102.

8 (c) (1) Except as provided in paragraph (2) of this subsection, an individual
9 enrolled in an institution of higher education who resides in on-campus student
10 housing shall be vaccinated against meningococcal disease.

11 (2) An individual is exempt from the vaccination requirement in
12 paragraph (1) of this subsection if THE INDIVIDUAL, OR THE INDIVIDUAL'S PARENT
13 OR GUARDIAN IF THE INDIVIDUAL IS A MINOR, OBJECTS TO THE VACCINATION FOR
14 REASONS OF CONSCIENCE[:

15 (i) The institution of higher education provides detailed
16 information on the risks associated with meningococcal disease and the availability
17 and effectiveness of any vaccine to:

18 1. The individual, if the individual is 18 years of age or older;
19 or

20 2. The individual's parent or guardian, if the individual is a
21 minor; and

22 (ii) 1. The individual is 18 years of age or older and the
23 individual signs a written waiver in a form approved by the Secretary stating that the
24 individual has received and reviewed the information provided and has chosen not to
25 be vaccinated against meningococcal disease; or

26 2. The individual is a minor and the individual's parent or
27 guardian signs a written waiver in a form approved by the Secretary stating that the
28 parent or guardian has received and reviewed the information provided and has
29 chosen to not have the individual vaccinated against meningococcal disease].

30 (3) Nothing in this subsection shall be construed to require any
31 institution of higher education to provide or pay for vaccinations against
32 meningococcal disease.

33 (4) The Secretary, in consultation with the Maryland Higher Education
34 Commission, shall adopt regulations necessary to implement this subsection.

1 18-403.

2 (a) [Unless the Secretary declares an emergency or disease epidemic, the]
3 THE Department may not require the immunization of an individual if:

4 (1) The individual objects to immunization FOR REASONS OF
5 CONSCIENCE OR because it conflicts with the individual's bona fide religious beliefs
6 and practices; or

7 (2) The individual is a minor and the individual's parent or guardian
8 objects to immunization FOR REASONS OF CONSCIENCE OR because it conflicts with
9 the parent or guardian's bona fide religious beliefs and practices.

10 (b) The Secretary shall adopt rules and regulations for [religious] exemptions
11 FOR REASONS OF CONSCIENCE AND RELIGIOUS BELIEFS under this section.

12 18-404.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) "Employee" means an individual employed full-time or part-time
15 directly, through contract with another entity, or as an independent contractor, by a
16 related institution.

17 (3) "Related institution" has the meaning provided under § 19-301(o) of
18 this article.

19 (4) "Medically contraindicated" means that a medical treatment is
20 potentially detrimental to the health of the individual intended to be treated.

21 (b) (1) Subject to subsection (e) of this section, each related institution in the
22 State shall immunize residents against the influenza virus and pneumococcal disease.

23 (2) Subject to subsection (e) of this section, each related institution in the
24 State shall immunize employees against the influenza virus.

25 (3) Before an immunization under this section is administered, the
26 related institution shall obtain written consent to administer the immunization from:

27 (i) The resident or employee receiving the immunization; or

28 (ii) The legal guardian of the resident receiving the immunization.

29 (c) Each related institution shall conduct the immunizations required under
30 subsection (b) of this section:

31 (1) In accordance with the recommendations established by the Advisory
32 Committee on Immunization Process of the United States Centers for Disease Control
33 and Prevention that are in effect at the time the related institution conducts the
34 immunizations; and

1 (2) By December 1 of each year that the immunization is required.

2 (d) A related institution that accepts an individual as a new resident or
3 accepts an individual as a new employee after December 1 but before April 1 shall:

4 (1) Determine the individual's status for immunization as required
5 under subsection (b) of this section; and

6 (2) If necessary, provide or arrange for an immunization as required
7 under subsection (b) of this section.

8 (e) A resident or employee is not required to receive a vaccine under this
9 section if:

10 (1) The vaccine is medically contraindicated for the resident or employee;

11 (2) The vaccine is against the resident or employee's religious beliefs; or

12 (3) [After being fully informed by the related institution of the health
13 risks associated with not receiving a vaccine, the resident or employee refuses the
14 vaccine] THE RESIDENT OR EMPLOYEE OBJECTS TO THE VACCINE FOR REASONS OF
15 CONSCIENCE.

16 (f) (1) (i) Each related institution shall document the annual
17 immunization against influenza virus and immunization against pneumococcal
18 disease received by each resident in the resident's medical record.

19 (ii) Each related institution shall document the annual
20 immunization against influenza virus received by each employee in the employee's
21 personnel file.

22 (2) If a resident or employee refuses to be immunized as required under
23 subsection (b) of this section, the related institution shall document the refusal and
24 the reason for the refusal.

25 (g) Each related institution shall:

26 (1) Notify each prospective resident and each prospective employee of
27 the immunization requirements of this section [and request that the resident or
28 employee agree to be immunized in accordance with subsection (b)(3) of this section];
29 and

30 (2) Make available to all residents and employees of the related
31 institution educational and informational materials relating to immunization against
32 influenza virus and immunization against pneumococcal disease.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2005.