

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 1210 (Delegate Dwyer, *et al.*)  
Health and Government Operations

---

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

---

This bill prohibits the Department of Health and Mental Hygiene (DHMH) from requiring an individual to be immunized if the individual objects to the immunization due to reasons of conscience. Likewise, DHMH may not require a minor to be immunized if the minor's parent or guardian objects due to reasons of conscience. A child whose parent or guardian objects to immunization for reasons of conscience may not be required to present a physician's certification of immunization in order to be admitted to a public elementary or secondary school. The Secretary of Health and Mental Hygiene must adopt rules and regulations for immunization exemptions for reasons of conscience.

The bill also repeals the authority of the Secretary of Health and Mental Hygiene to declare an emergency or epidemic of disease and require all individuals to be immunized.

---

**Fiscal Summary**

**State Effect:** Assuming that there is not a large number of individuals who would decline immunization for reasons of conscience, the bill would not materially affect State finances. If a large number of individuals use the exemption, the Community Health Administration (CHA) within DHMH could require additional personnel to track diseases.

**Local Effect:** None.

**Small Business Effect:** None.

---

## Analysis

**Current Law:** Unless the Secretary of Health and Mental Hygiene declares an emergency or an epidemic of disease, DHMH may not require the immunization of an individual if the individual objects to immunization because it conflicts with bona fide religious beliefs and practices. In addition, a child whose parent or guardian objects to immunization on religious grounds may not be required to present a physician's certification or immunization in order to be admitted to a public school. An individual who resides in on-campus housing at an institution of higher education must be vaccinated for meningitis unless the institution provides the student with detailed information on the risks of meningitis and the student signs a written waiver.

**Background:** The National Immunization Program within the Centers for Disease Control and Prevention reports that vaccine-preventable disease rates are at their lowest levels ever. It also notes, however, that concerns about immunization levels persist. For example, under-immunization continues to be more common among low-income and minority children and adults and is particularly prevalent in inner city communities.

**State Fiscal Effect:** The bill is not expected to result in a large number of additional immunization exemptions. Among schoolchildren, CHA advises that the usual reason a child does not come to school immunized is a parent's lack of understanding about the importance of immunization or lack of knowledge about where and how to acquire the proper vaccinations. If these parents are given an easy opportunity to exempt their children from the normal immunization process, a significant number of children could be allowed to enter school without being immunized. If this happens, CHA advises that annualized general fund expenditures of \$325,000 to \$375,000 for additional personnel and associated costs would be incurred to investigate and track diseases. Legislative Services advises that the existing process for working with parents who attempt to enroll students who have not been immunized would probably continue to be successful if this bill passes. Therefore, the bill is unlikely to result in a large number of additional exemptions or an expenditure increase.

---

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 13, 2005  
mp/jr

---

Analysis by: Mark W. Collins

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510