
By: **Senator Klausmeier**

Introduced and read first time: March 2, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Care - Influenza Immunization**

3 FOR the purpose of requiring the parent or guardian of a child in the care of a certain
4 child care center to provide to the child care center evidence of immunization
5 against the influenza virus by a certain date each year except in certain
6 circumstances; requiring certain child care centers to provide to the State
7 Department of Education certain documentation that children in their care have
8 received a certain immunization against the influenza virus or are qualified for
9 a certain exemption; and generally relating to immunization against the
10 influenza virus for children in the care of child care centers.

11 BY adding to

12 Article - Family Law

13 Section 5-580.4 and 5-589.2

14 Annotated Code of Maryland

15 (2004 Replacement Volume and 2005 Supplement)

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

18 **Article - Family Law**

19 5-580.4.

20 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS
21 SECTION, BY FEBRUARY 1 OF EACH YEAR, A PARENT OR GUARDIAN OF A CHILD IN
22 THE CARE OF A LICENSED CHILD CARE CENTER SHALL PROVIDE TO THE CHILD CARE
23 CENTER EVIDENCE THAT THE CHILD HAS RECEIVED AN IMMUNIZATION AGAINST
24 THE INFLUENZA VIRUS.

25 (2) IF A CHILD FIRST ENTERS A LICENSED CHILD CARE CENTER AFTER
26 DECEMBER 1, BUT BEFORE THE NEXT APRIL 1, THE CHILD CARE CENTER SHALL:

27 (I) DETERMINE THE CHILD'S IMMUNIZATION STATUS; AND

1 (II) IF NECESSARY, REQUIRE THE CHILD TO OBTAIN AN
2 IMMUNIZATION AGAINST THE INFLUENZA VIRUS AS REQUIRED IN PARAGRAPH (1) OF
3 THIS SUBSECTION.

4 (B) A PARENT OR GUARDIAN OF A CHILD IS NOT REQUIRED TO PROVIDE TO A
5 LICENSED CHILD CARE CENTER EVIDENCE THAT THE CHILD HAS RECEIVED AN
6 IMMUNIZATION AGAINST THE INFLUENZA VIRUS IF:

7 (1) THE PARENT OR GUARDIAN CAN PROVIDE EVIDENCE THAT
8 RECEIVING AN IMMUNIZATION CREATES AN UNDUE FINANCIAL BURDEN; OR

9 (2) THE PARENT OR GUARDIAN OBJECTS TO IMMUNIZATION BECAUSE IT
10 CONFLICTS WITH THE PARENT'S OR GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS
11 AND PRACTICES.

12 (C) IN ACCORDANCE WITH THE RECOMMENDATIONS ESTABLISHED BY THE
13 ADVISORY COMMITTEE ON IMMUNIZATION PROCESS OF THE UNITED STATES
14 CENTERS FOR DISEASE CONTROL AND PREVENTION THAT ARE IN EFFECT AT THE
15 TIME IMMUNIZATIONS ARE CONDUCTED, EACH LICENSED CHILD CARE CENTER
16 SHALL PROVIDE TO THE STATE DEPARTMENT OF EDUCATION DOCUMENTATION FOR
17 EACH CHILD IN ITS CARE WHO:

18 (1) HAS RECEIVED AN IMMUNIZATION AGAINST THE INFLUENZA VIRUS;
19 OR

20 (2) IS EXEMPT FROM THE REQUIREMENT TO RECEIVE AN
21 IMMUNIZATION AGAINST THE INFLUENZA VIRUS UNDER SUBSECTION (B) OF THIS
22 SECTION.

23 5-589.2.

24 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS
25 SECTION, BY FEBRUARY 1 OF EACH YEAR, A PARENT OR GUARDIAN OF A CHILD IN
26 THE CARE OF A LICENSED CHILD CARE CENTER IN A STATE-OCCUPIED BUILDING
27 SHALL PROVIDE TO THE CHILD CARE CENTER EVIDENCE THAT THE CHILD HAS
28 RECEIVED AN IMMUNIZATION AGAINST THE INFLUENZA VIRUS.

29 (2) IN CASES WHERE A CHILD FIRST ENTERS A LICENSED CHILD CARE
30 CENTER IN A STATE-OCCUPIED BUILDING AFTER DECEMBER 1, BUT BEFORE THE
31 NEXT APRIL 1, THE CHILD CARE CENTER SHALL:

32 (I) DETERMINE THE CHILD'S IMMUNIZATION STATUS; AND

33 (II) IF NECESSARY, REQUIRE THE CHILD TO OBTAIN AN
34 IMMUNIZATION AGAINST THE INFLUENZA VIRUS AS REQUIRED IN PARAGRAPH (1) OF
35 THIS SUBSECTION.

36 (B) A PARENT OR GUARDIAN OF A CHILD IS NOT REQUIRED TO PROVIDE TO A
37 LICENSED CHILD CARE CENTER IN A STATE-OCCUPIED BUILDING EVIDENCE THAT
38 THE CHILD HAS RECEIVED AN IMMUNIZATION AGAINST THE INFLUENZA VIRUS IF:

1 (1) THE PARENT OR GUARDIAN CAN PROVIDE EVIDENCE THAT
2 RECEIVING AN IMMUNIZATION CREATES AN UNDUE FINANCIAL BURDEN; OR

3 (2) THE PARENT OR GUARDIAN OBJECTS TO IMMUNIZATION BECAUSE IT
4 CONFLICTS WITH THE PARENT'S OR GUARDIAN'S BONA FIDE RELIGIOUS BELIEFS
5 AND PRACTICES.

6 (C) IN ACCORDANCE WITH THE RECOMMENDATIONS ESTABLISHED BY THE
7 ADVISORY COMMITTEE ON IMMUNIZATION PROCESS OF THE UNITED STATES
8 CENTERS FOR DISEASE CONTROL AND PREVENTION THAT ARE IN EFFECT AT THE
9 TIME IMMUNIZATIONS ARE CONDUCTED, EACH LICENSED CHILD CARE CENTER IN A
10 STATE-OCCUPIED BUILDING SHALL PROVIDE TO THE STATE DEPARTMENT OF
11 EDUCATION DOCUMENTATION FOR EACH CHILD IN ITS CARE WHO:

12 (1) HAS RECEIVED AN IMMUNIZATION AGAINST THE INFLUENZA VIRUS;
13 OR

14 (2) IS EXEMPT FROM THE REQUIREMENT TO RECEIVE AN
15 IMMUNIZATION AGAINST THE INFLUENZA VIRUS UNDER SUBSECTION (B) OF THIS
16 SECTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2006.