

SENATE BILL 676

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71r0859

By: **Senator Klausmeier**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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 under certain
6 circumstances; requiring certain child care centers to provide to the State
7 Department of Education certain documentation concerning the immunization
8 status of children in the care of certain child care centers; authorizing the State
9 Superintendent of Schools to waive the influenza immunization requirement
10 under certain circumstances; and generally relating to immunization against
11 the influenza virus for children in the care of certain child care centers.

12 BY adding to
13 Article – Family Law
14 Section 5–580.4 and 5–589.2
15 Annotated Code of Maryland
16 (2006 Replacement Volume)

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

19 **Article – Family Law**

20 **5–580.4.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BY**
2 **FEBRUARY 1 OF EACH YEAR, A PARENT OR GUARDIAN OF A CHILD IN THE CARE**
3 **OF A LICENSED CHILD CARE CENTER SHALL PROVIDE TO THE CHILD CARE**
4 **CENTER EVIDENCE THAT THE CHILD HAS RECEIVED AN IMMUNIZATION AGAINST**
5 **THE INFLUENZA VIRUS.**

6 **(2) IF A CHILD FIRST ENTERS A LICENSED CHILD CARE CENTER**
7 **AFTER DECEMBER 1, BUT BEFORE THE NEXT APRIL 1, THE CHILD CARE CENTER**
8 **SHALL:**

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

10 **(II) IF NECESSARY, REQUIRE THE CHILD TO RECEIVE AN**
11 **IMMUNIZATION AGAINST THE INFLUENZA VIRUS AS REQUIRED IN PARAGRAPH**
12 **(1) OF THIS SUBSECTION.**

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

16 **(1) THE PARENT OR GUARDIAN PROVIDES EVIDENCE THAT:**

17 **(I) A LICENSED PHYSICIAN OR LOCAL HEALTH OFFICER**
18 **HAS DETERMINED THAT IMMUNIZATION IS MEDICALLY CONTRAINDICATED**
19 **ACCORDING TO ACCEPTED MEDICAL STANDARDS; OR**

20 **(II) RECEIVING AN IMMUNIZATION WOULD CREATE AN**
21 **UNDUE FINANCIAL BURDEN; OR**

22 **(2) THE PARENT OR GUARDIAN OBJECTS TO IMMUNIZATION**
23 **BECAUSE IT CONFLICTS WITH THE PARENT'S OR GUARDIAN'S BONA FIDE**
24 **RELIGIOUS BELIEFS AND PRACTICES.**

25 **(C) IN ACCORDANCE WITH THE RECOMMENDATIONS ESTABLISHED BY**
26 **THE ADVISORY COMMITTEE ON IMMUNIZATION PROCESS OF THE UNITED**
27 **STATES CENTERS FOR DISEASE CONTROL AND PREVENTION THAT ARE IN**
28 **EFFECT AT THE TIME IMMUNIZATIONS ARE CONDUCTED, EACH LICENSED CHILD**
29 **CARE CENTER SHALL PROVIDE TO THE STATE DEPARTMENT OF EDUCATION**
30 **DOCUMENTATION FOR EACH CHILD IN ITS CARE WHO:**

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

3 (2) IS EXEMPT FROM THE REQUIREMENT TO RECEIVE AN
4 IMMUNIZATION AGAINST THE INFLUENZA VIRUS UNDER THIS SECTION.

5 (D) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE STATE
6 SUPERINTENDENT OF SCHOOLS MAY WAIVE THE IMMUNIZATION REQUIREMENT
7 DESCRIBED IN THIS SECTION IF THE STATE SUPERINTENDENT OF SCHOOLS, IN
8 CONSULTATION WITH THE SECRETARY OF HEALTH AND MENTAL HYGIENE,
9 DETERMINES THAT AN INADEQUATE SUPPLY OF VACCINE AGAINST THE
10 INFLUENZA VIRUS IS AVAILABLE FOR COMPLIANCE WITH THIS SECTION.

11 **5-589.2.**

12 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BY
13 FEBRUARY 1 OF EACH YEAR, A PARENT OR GUARDIAN OF A CHILD IN THE CARE
14 OF A LICENSED CHILD CARE CENTER IN A STATE-OCCUPIED BUILDING SHALL
15 PROVIDE TO THE CHILD CARE CENTER EVIDENCE THAT THE CHILD HAS
16 RECEIVED AN IMMUNIZATION AGAINST THE INFLUENZA VIRUS.

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

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

21 (II) IF NECESSARY, REQUIRE THE CHILD TO RECEIVE AN
22 IMMUNIZATION AGAINST THE INFLUENZA VIRUS AS REQUIRED IN PARAGRAPH
23 (1) OF THIS SUBSECTION.

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

28 (1) THE PARENT OR GUARDIAN PROVIDES EVIDENCE THAT:

1 (I) A LICENSED PHYSICIAN OR LOCAL HEALTH OFFICER
2 HAS DETERMINED THAT IMMUNIZATION IS MEDICALLY CONTRAINDICATED
3 ACCORDING TO ACCEPTED MEDICAL STANDARDS; OR

4 (II) RECEIVING AN IMMUNIZATION WOULD CREATE AN
5 UNDUE FINANCIAL BURDEN; OR

6 (2) THE PARENT OR GUARDIAN OBJECTS TO IMMUNIZATION
7 BECAUSE IT CONFLICTS WITH THE PARENT'S OR GUARDIAN'S BONA FIDE
8 RELIGIOUS BELIEFS AND PRACTICES.

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

16 (1) HAS RECEIVED AN IMMUNIZATION AGAINST THE INFLUENZA
17 VIRUS; OR

18 (2) IS EXEMPT FROM THE REQUIREMENT TO RECEIVE AN
19 IMMUNIZATION AGAINST THE INFLUENZA VIRUS UNDER THIS SECTION.

20 (D) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE STATE
21 SUPERINTENDENT OF SCHOOLS MAY WAIVE THE IMMUNIZATION REQUIREMENT
22 DESCRIBED IN THIS SECTION IF THE STATE SUPERINTENDENT OF SCHOOLS, IN
23 CONSULTATION WITH THE SECRETARY OF HEALTH AND MENTAL HYGIENE,
24 DETERMINES THAT AN INADEQUATE SUPPLY OF VACCINE AGAINST THE
25 INFLUENZA VIRUS IS AVAILABLE FOR COMPLIANCE WITH THIS SECTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2007.