

SENATE BILL 699

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9lr1757

By: **Senator Klausmeier**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Immunizations - Children Entering Seventh Grade or Higher**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene's
4 regulations regarding immunizations to include the requirement that the
5 parent or legal guardian of a child born on or after a certain date entering a
6 certain grade level in this State on or after a certain date to have certain
7 immunizations administered to the child; requiring the Department to require
8 the parent or legal guardian of a child born on or after a certain date
9 transferring into a school in this State on or after a certain date to have certain
10 immunizations administered to the child; making a technical change; and
11 generally relating to immunizations for school children.

12 BY repealing and reenacting, without amendments,
13 Article - Education
14 Section 7-403(a)(2)
15 Annotated Code of Maryland
16 (2008 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article - Education
19 Section 7-403(a)(3)
20 Annotated Code of Maryland
21 (2008 Replacement Volume)

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

24 **Article - Education**

25 7-403.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (2) In cooperation with the State Board and the Statewide Advisory
2 Commission on Immunizations, the Department of Health and Mental Hygiene shall
3 adopt [rules and] regulations regarding immunizations required of children entering
4 schools.

5 (3) These [rules and] regulations shall:

6 (i) Be adopted in compliance with the Administrative
7 Procedure Act;

8 (ii) Provide that any child may have the immunization
9 administered by his personal physician; and

10 (iii) 1. By September 2003, in areas designated as at risk for
11 lead poisoning, as determined under § 18-106 of the Health – General Article, when a
12 child enters a public prekindergarten program, kindergarten program, or first grade,
13 require the parent or legal guardian of the child to provide documentation from a
14 health care provider, on a form developed by the Department of Health and Mental
15 Hygiene, certifying that the child has undergone blood testing for lead poisoning
16 administered in accordance with the guidelines of the Centers for Disease Control and
17 Prevention in the screening of young children for lead poisoning: Guidance for State
18 and Local Public Health Officials (November 1997) and any subsequent guidelines;
19 and

20 2. By September 2003, require a program or school to
21 report the name, last known address, and telephone number of each child for whom
22 certified documentation of a lead test is not provided under item 1 of this item, as
23 determined by regulation, to the local health department in the jurisdiction where the
24 child resides.

25 (iv) 1. **REQUIRE THE PARENT OR LEGAL GUARDIAN OF A**
26 **CHILD IN THIS STATE BORN ON OR AFTER JANUARY 1, 1990, ENTERING**
27 **SEVENTH GRADE OR A COMPARABLE AGE LEVEL SPECIAL EDUCATION PROGRAM**
28 **WITH AN UNASSIGNED GRADE ON OR AFTER SEPTEMBER 1, 2009, TO HAVE**
29 **ADMINISTERED TO THE CHILD A BOOSTER IMMUNIZATION CONTAINING**
30 **DIPHTHERIA AND TETANUS TOXOIDS AND AN ACELLULAR PERTUSSIS VACCINE.**

31 2. **REQUIRE THE PARENT OR LEGAL GUARDIAN OF A**
32 **CHILD BORN ON OR AFTER JANUARY 1, 1990, AND TRANSFERRING INTO A**
33 **SCHOOL IN THIS STATE AT THE SEVENTH GRADE OR HIGHER LEVEL FROM**
34 **ANOTHER STATE OR COUNTRY ON OR AFTER SEPTEMBER 1, 2009, TO HAVE**
35 **ADMINISTERED TO THE CHILD A BOOSTER IMMUNIZATION CONTAINING**
36 **DIPHTHERIA AND TETANUS TOXOIDS AND AN ACELLULAR PERTUSSIS VACCINE.**

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 July 1, 2009.