

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 687 (Delegate B. Barnes, *et al.*)  
Health and Government Operations

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**Public Health - Religious Exemptions from Immunization Requirements - Repeal**

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This bill repeals the prohibition against the Department of Health and Mental Hygiene (DHMH) requiring the immunization of an individual if the individual (or, in the case of a minor, the individual's parent or guardian) objects to immunization because it conflicts with the individual's bona fide religious beliefs and practices. The bill also repeals the requirement that the Secretary of Health and Mental Hygiene adopt rules and regulations for religious exemptions regarding immunization.

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**Fiscal Summary**

**State Effect:** The bill does not substantively change State activities or operations.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under § 18-403 of the Health-General Article, unless the Secretary declares an emergency or disease epidemic, DHMH may not require the immunization of an individual if the individual (1) objects to immunization because it conflicts with the individual's bona fide religious beliefs and practices or (2) is a minor and the individual's parent or guardian objects on this basis. The Secretary must adopt rules and regulations for religious exemptions under this section of law.

Under § 7-403 of the Education Article, DHMH, in cooperation with the State Board of Education and the Statewide Advisory Commission on Immunizations, must adopt rules and regulations regarding immunizations required of children entering schools. Unless the

Secretary declares an emergency or an epidemic of disease, a child whose parent or guardian objects to immunization on the ground that it conflicts with the parent's or guardian's bona fide religious beliefs and practices may not be required to present a physician's certification of immunization in order to be admitted to school. The Secretary must adopt rules and regulations for religious exemptions under this provision of law.

Under § 18-404 of the Health-General Article, each related institution must immunize residents against influenza virus and pneumococcal disease and immunize employees against influenza. A resident or employee is not required to receive a vaccine if (1) it is medically contraindicated; (2) if it is against the resident's or employee's religious beliefs; or (3) after being informed of the health risks of not receiving a vaccine, the resident or employee refuses the vaccine.

State regulations require a parent or guardian to provide a physician's certificate of age-appropriate immunization for a child to be admitted to school (DHMH Form 896 *Maryland Department of Health and Mental Hygiene Immunization Certificate*). If a child has a medical contraindication, a licensed physician or local health department official must sign the form and indicate whether the condition is temporary or permanent, which vaccines the contraindication applies to, and the reason for the contraindication. If a child is exempt from vaccination on religious grounds, a parent or guardian must sign the following statement: "I am the parent/guardian of the child identified above. Because of my bona fide religious beliefs and practices, I object to any vaccine(s) being given to my child. This exemption does not apply during an emergency or epidemic of disease."

State regulations also require that, in order to attend child care, there must be an immunization record showing that the child has had age-appropriate immunizations that meet the immunization guidelines set by DHMH unless a physician or health officer has determined that immunization is medically contraindicated or the parent objects because it conflicts with the parent's bona fide religious beliefs and practices. If a parent objects to a child's immunization because of bona fide religious beliefs and practices, the child care provider must require the parent to provide a health history of the child and sign a statement indicating that to the best of the parent's knowledge and belief, the child is in satisfactory health and free from any communicable disease. Evidence of age-appropriate immunizations is also required to attend a youth camp, unless there is a medical contraindication or documentation from a parent or guardian that the parent or guardian objects to an immunization because of the parent's or guardian's bona fide religious beliefs and practices.

**Background:** All 50 states require specified vaccines for students; all but 2 (Mississippi and West Virginia) allow exemptions from vaccination if it contradicts sincere religious beliefs. Some states (including California, Vermont, and Washington) have expanded the process required to obtain a religious (or philosophical) exemption. To obtain an

exemption in these states, a parent or guardian, in addition to attesting to his or her religious (or philosophical) objections to vaccination, must obtain a signature from a health care practitioner verifying that the health care practitioner has reviewed with the parent information about the risks and benefits of immunization and the health risks of communicable diseases or, in the case of Oregon, watch an online educational module.

According to DHMH, during the 2013-2014 school year, 0.8% of all students statewide (about 1,356 students) reported religious exemptions to vaccinations, while a total of 0.5% reported a medical exemption (1,900).

**Additional Comments:** As introduced, the bill does not repeal the religious exemption from immunization requirement relating to school attendance. To the extent the bill applied in this respect, there would be an operational impact on DHMH and the Maryland State Department of Education to update existing regulations relating to school, child care, and youth camp attendance. Local school systems and child care providers could incur additional expenses to reprint school enrollment forms. To the extent local school systems, during annual State audits, do not demonstrate compliance with requirements regarding student records for immunization, local school systems could be fined.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** National Conference of State Legislatures, Baltimore City Community College, Department of Human Resources, Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Juvenile Services, Maryland Association of County Health Officers, Morgan State University, Department of Public Safety and Correctional Services, Maryland School for the Deaf, St. Mary's College of Maryland, University System of Maryland, Department of Legislative Services

**Fiscal Note History:** First Reader - March 12, 2015  
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