

SENATE BILL 868

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By: **Senator Nathan–Pulliam**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Immunizations of Children Entering**
3 **School**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene, in
5 cooperation with the State Board of Education and the Statewide Advisory
6 Commission on Immunizations, to adopt regulations requiring that before a child
7 enters a certain grade, the child has received a certain number of doses of human
8 papillomavirus vaccine; and generally relating to immunizations required of children
9 entering schools.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 7–403
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2015 Supplement)

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

17 **Article – Education**

18 7–403.

19 (a) (1) In cooperation with the State Board and the Medical and Chirurgical
20 Faculty of Maryland, the Department of Health and Mental Hygiene shall adopt rules and
21 regulations regarding blood tests for lead poisoning required of children entering schools.

22 (2) In cooperation with the State Board and the Statewide Advisory
23 Commission on Immunizations, the Department of Health and Mental Hygiene shall adopt
24 rules and regulations regarding immunizations required of children entering schools.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) These rules and regulations shall:

2 (i) Be adopted in compliance with the Administrative Procedure
3 Act;

4 (ii) Provide that any child may have the immunization administered
5 by his personal physician; [and]

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

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

19 **(IV) REQUIRE THAT BEFORE A CHILD ENTERS NINTH GRADE,**
20 **THE CHILD HAS RECEIVED THREE DOSES OF THE HUMAN PAPILLOMAVIRUS**
21 **VACCINE.**

22 (4) Any requirement for the administration of pertussis vaccine shall be
23 consistent with § 18–332(b) of the Health – General Article.

24 (b) (1) Unless the Secretary of Health and Mental Hygiene declares an
25 emergency or an epidemic of disease, a child whose parent or guardian objects to
26 immunization on the ground that it conflicts with the parent's or guardian's bona fide
27 religious beliefs and practices may not be required to present a physician's certification of
28 immunization in order to be admitted to school.

29 (2) The Secretary of Health and Mental Hygiene shall adopt rules and
30 regulations for religious exemptions under this subsection.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2016.