

HOUSE BILL 1291

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2lr2554

By: **Delegates Arikan, Boteler, Grammer, Howard, Kipke, Krebs, Mautz, Morgan, Rose, Shoemaker, Szeliga, and Wivell**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Immunization Requirements – Authority**

3 FOR the purpose of prohibiting a State or local entity from requiring any additional
4 immunizations for a child entering school other than the immunizations required by
5 the Maryland Department of Health; and generally relating to immunizations and
6 public school students.

7 BY repealing and reenacting, with amendments,

8 Article – Education

9 Section 7–403

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2021 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Education**

15 7–403.

16 (a) (1) In cooperation with the State Board and the Maryland State Medical
17 Society, the Maryland Department of Health shall adopt rules and regulations regarding
18 blood tests for lead poisoning required of children entering schools.

19 (2) **(I)** In cooperation with the State Board and the Statewide Advisory
20 Commission on Immunizations, the Maryland Department of Health shall adopt rules and
21 regulations regarding immunizations required of children entering schools.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) A STATE OR LOCAL ENTITY MAY NOT REQUIRE ANY**
2 **ADDITIONAL IMMUNIZATIONS FOR A CHILD ENTERING SCHOOL, EXCEPT FOR THOSE**
3 **IMMUNIZATIONS REQUIRED UNDER THE RULES AND REGULATIONS ADOPTED BY**
4 **THE MARYLAND DEPARTMENT OF HEALTH UNDER SUBPARAGRAPH (I) OF THIS**
5 **PARAGRAPH.**

6 (3) These rules and regulations shall:

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

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

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

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

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

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

31 (2) The Secretary of Health shall adopt rules and regulations for religious
32 exemptions under this subsection.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
34 1, 2022.