A BILL ENTITLED

AN ACT concerning

Public Schools and Child Care Providers – Immunizations – Discriminatory Policies Prohibited

FOR the purpose of prohibiting a county board of education, public school, or child care provider from adopting a certain immunization policy that prohibits certain children from participating in certain activities or discriminates against certain children for having a certain exemption from certain immunization requirements; and generally relating to immunization policies and public schools and child care providers.

BY repealing and reenacting, with amendments,

Article – Education
Section 7–403
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to

Article – Education
Section 9.5–115
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

7–403.

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

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

(3) These rules and regulations shall:

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

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

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

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

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

(b) (1) Unless the Secretary of Health 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.

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

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY BOARD OR PUBLIC SCHOOL MAY NOT ADOPT AN IMMUNIZATION POLICY THAT:

(1) REQUIRES A CHILD TO GET A VACCINE THAT IS NOT REQUIRED BY THE MARYLAND DEPARTMENT OF HEALTH UNDER SUBSECTION (A) OF THIS
SECTI ON TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES AT A PUBLIC SCHOOL
IN THE COUNTY; OR

(2) DISCRIMINATES AGAINST OR ESTABLIS HES SEPARATE
TREATMENT REQUIREMENTS, INCLUDING DIFFERENT QUARANTINE POLICIES, FOR
A CHILD WHO HAS RECEIVED AN EXEMPTION FROM REQUIRED IMMUNIZATIONS
BECAUSE OF:

(I) A CONFLICT WITH THE PARENT’S OR GUARDIAN’S BONA
FIDE RELIGIOUS BELIEFS AND PRACTICES; OR

(II) A CHILD’S DOCUMENTED MEDICAL CONDITION ON THE
ADVICE OF THE CH ILD’S PHYSICIAN.

9.5–115.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CHILD CARE PROVIDER
MAY NOT ADOPT AN IMMUNIZATION POLICY THAT:

(1) REQUIRES A CH ILD TO GET A VACCINE THAT IS NOT REQUIRED BY
THE MARYLAND DEPARTMENT OF HEALTH TO PARTICIPATE IN EXTRACURRICULAR
ACTIVITIES; OR

(2) DISCRIMINATES AGAINST OR ESTABLIS HES SEPARATE
TREATMENT REQUIREMENTS, INCLUDING DIFFERENT QUARANTINE POLICIES, FOR
A CHILD WHO HAS RECEIVED AN EXEMPTION FROM REQUIRED IMMUNIZATIONS
BECAUSE OF:

(I) A CONFLICT WITH THE PARENT’S OR GUARDIAN’S BONA
FIDE RELIGIOUS BELIEFS AND PRACTICES; OR

(II) A CHILD’S DOCUMENTED MEDICAL CONDITION ON THE
ADVICE OF THE CH ILD’S PHYSICIAN.

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