

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1291 (Delegate Arikan, *et al.*)
Health and Government Operations and
Ways and Means

Public Schools - Student Immunization Requirements - Authority

This bill prohibits a State or local entity from requiring any additional immunizations for a child entering school, except for those immunizations required by the Maryland Department of Health (MDH). **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: None, as the bill largely codifies current practice.

Local Effect: None; however, the bill prohibits a local school system from requiring immunization against COVID-19 or any other immunization during a public health emergency or epidemic unless it is required by MDH.

Small Business Effect: None.

Analysis

Current Law: Under § 7-403 of the Education Article, MDH, 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 of Health declares an emergency or an epidemic of disease, a child whose parent or guardian objects to immunization on the ground of a conflict with *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 of Health must adopt related regulations. The Maryland State Department of Education works

collaboratively with MDH to ensure that students provide proof of the required school immunizations upon entry into school.

Maryland regulations (10.06.04.03) specify the required immunizations a student generally must obtain for enrollment in preschool or school in Maryland. For a preschool program, this includes evidence of age-appropriate immunity against *haemophilus influenzae* type B (HIB) and pneumococcal disease. For preschool or kindergarten through second grade, this includes evidence of age-appropriate immunity against pertussis. For preschool or kindergarten through twelfth grade, this includes evidence of age-appropriate immunity against tetanus, diphtheria, poliomyelitis, measles (rubeola), mumps, rubella, hepatitis B, varicella, meningitis, and tetanus-diphtheria-acellular pertussis acquired through a tetanus-diphtheria-acellular pertussis (Tdap) vaccine.

Maryland regulations (10.06.04.04 - .05) further specify that immunization requirements do not apply to (1) a student who presents a licensed physician's or health officer's written statement that the student's immunization against a disease is medically contraindicated or (2) as noted above, to a student whose parent or guardian objects on the ground that immunization conflicts with the parent's or guardian's *bona fide* religious beliefs.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland State Department of Education; Maryland Department of Health; Baltimore City Public Schools; Prince George's County Public Schools; Department of Legislative Services

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