

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1292 (Delegate Arikan, *et al.*)

Health and Government Operations and  
Ways and Means

---

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

---

This bill prohibits a local board of education, public school, or child care provider from adopting an immunization policy that (1) requires a child to get a vaccine that is not required by the Maryland Department of Health (MDH) for enrollment in school in order to participate in extracurricular activities or (2) discriminates against or establishes separate treatment requirements, including different quarantine policies, for a child who has received an exemption from required immunizations on the basis of the parent's or guardian's *bona fide* religious beliefs and practices or a child's documented medical condition. **The bill takes effect July 1, 2022.**

---

Fiscal Summary

**State Effect:** None. The bill does not affect State operations or finances.

**Local Effect:** Local boards of education and local school systems can conform their policies to the bill as needed with existing budgeted resources. Revenues are not affected.

**Small Business Effect:** Minimal.

---

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 (MSDE) 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.

Similarly, MSDE regulations require that, before enrollment, child care providers must obtain and maintain an immunization record showing that (1) a child has immunizations appropriate for the child's age that meet the immunization guidelines set by MDH; (2) that immunization is medically contraindicated according to medically accepted standards; or (3) the parent objects to the child's immunization because it conflicts with the parent's *bona fide* religious beliefs and practices.

**Additional Comments:** COVID-19 [quarantine guidelines](#) from the U.S. Centers for Disease Control and Prevention differ based on an individual's vaccination status. An individual who is exposed to COVID-19 and is up-to-date on COVID-19 vaccination (meaning the person has received all recommended doses in their primary series of COVID-19 vaccine and a booster dose when eligible) or had a confirmed case of COVID-19 within the past 90 days does not need to quarantine unless they develop symptoms. An individual who is exposed to COVID-19 and is not up-to-date on COVID-19 vaccinations should quarantine for at least five days.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** U.S. Centers for Disease Control and Prevention; Maryland Association of County Health Officers; Maryland State Department of Education; Maryland Department of Health; Baltimore County Public Schools; Prince George's County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - March 13, 2022  
fnu2/jc

---

Analysis by: Michael E. Sousane

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510