

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 779 (Delegate Arikan, *et al.*)
Health and Government Operations

Vaccination Requirements – Provision of Services – Statement of Prior Viral Infection

This bill specifies that, if a public or private entity requires a person to be vaccinated against a virus to receive services, a person who no longer has symptoms of the virus for which vaccination is required may sign a statement attesting that, to the best of the person’s knowledge, the person was infected with but no longer has symptoms of the virus for which vaccination is required. A public or private entity may not (1) deny service to a person who signs such a statement or (2) require any form of proof of a prior infection of a virus.

Fiscal Summary

State Effect: The Maryland Department of Health (MDH) can revise any related regulations to comply with the bill using existing budgeted resources. Baltimore City Community College and public four-year universities can revise policies with existing resources to accommodate those who may not qualify for current exemptions for COVID-19 vaccination. Revenues are not materially affected.

Local Effect: Local community colleges can revise policies with existing resources to accommodate those who may not qualify for current exemptions for COVID-19 vaccination. Likewise, local school systems can revise policies to accommodate those who may not qualify for existing exemptions. Revenues are not materially affected.

Small Business Effect: Potential minimal.

Analysis

Current Law: In cooperation with the State Board of Education and the Statewide Advisory Commission on Immunizations, MDH 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 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. The Secretary of Health must adopt rules and regulations for religious exemptions.

“Related institutions” (generally nursing homes and assisted living facilities) must immunize residents and employees against the influenza virus and immunize residents against pneumococcal disease in accordance with recommendations established by the Advisory Committee on Immunization Practices of the U.S. Centers for Disease Control and Prevention. A resident or employee is not required to receive a vaccine if it is (1) medically contraindicated; (2) against the resident's or employee's religious beliefs; or (3) the resident or employee refuses the vaccine (after being fully informed of the health risks associated with not receiving the vaccine).

An individual enrolled in an institution of higher education who resides in on-campus student housing must be vaccinated against meningococcal disease. An individual is exempt from this requirement if (1) the institution of higher education provides detailed information on the risks associated with meningococcal disease and the availability and effectiveness of any vaccine to the individual or the individual's parent or guardian and (2) the individual or the individual's parent or guardian signs a written waiver that the individual has received and reviewed the information provided and has chosen not to be vaccinated against meningococcal disease.

In addition, State colleges and universities require all students (as well as faculty and staff) to be vaccinated against COVID-19 to be on campus.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Maryland Department of Health; Department of Legislative Services

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