

**TITLE 20-A: EDUCATION
PART 3. ELEMENTARY AND SECONDARY EDUCATION
CHAPTER 223. HEALTH, NUTRITION AND SAFETY
SUBCHAPTER II. IMMUNIZATION**

20-A M.R.S. § 6353 (2006)

§6353. Definitions

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings. [1983, c. 661, §8 (new).]

1. Certificate of immunization. "Certificate of immunization" means a written statement from a physician, nurse or health official who has administered an immunizing agent to a child, specifying the dosage administered and the date it was administered.[1983, c. 661, §8 (new).]
2. Child. "Child" means and includes every child entering school.[1983, c. 661, §8 (new).]
3. Disease. "Disease" means those conditions that are preventable by immunizing agent, as specified in rules.[2001, c. 326, §1 (amd).]
4. Immunizing agent. "Immunizing agent" means a vaccine, antitoxin or other substances used to increase an individual's immunity to a disease.[1983, c. 661, §8 (new).]
5. Parent. "Parent" means a child's parent, legal guardian or custodian. A person shall be regarded as a child's custodian if that person is an adult and has assumed legal charge and care of the child.[1983, c. 661, §8 (new).]
6. Public health official. "Public health official" means a local health officer, the Director of the Bureau of Health, Department of Health and Human Services, or any designated employee or agent of the Department of Health and Human Services.[1983, c. 661, §8 (new); 2003, c. 689, Pt. B, §6 (rev).]
7. School. "School" means any public or private elementary or secondary school in the State.[1983, c. 661, §8 (new).]
8. Superintendent. "Superintendent" means the superintendent of schools of a school administrative unit, or a person designated by the superintendent, and the chief administrative officer of a private school.[1983, c. 661, §8 (new).]

20-A M.R.S. § 6354 (2006)

§ 6354. Immunization

1. IMMUNIZATION REQUIRED. Except as otherwise provided under this subchapter, every parent shall cause to be administered to his child an adequate dosage of an immunizing agent against each disease.
2. IMMUNIZING AGENT TO MEET STANDARDS. Any such immunizing agent shall meet standards for such biological products, approved by the United States Public Health

Service and the dosage requirement specified by the Department of Human Services.

20-A M.R.S. § 6355 (2006)

§ 6355. Enrollment in school

A superintendent may not permit any child to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease, except as follows.

1. WRITTEN ASSURANCE. The parent provides a written assurance the child will be immunized within 90 days by private effort or provides, where applicable, a written consent to the child's immunization by a health officer, physician, nurse or other authorized person in public or private employ.
2. MEDICAL EXEMPTION. The parent or the child provides a physician's written statement that immunization against one or more of the diseases may be medically inadvisable.
3. PHILOSOPHICAL OR RELIGIOUS EXEMPTION. The parent states in writing a sincere religious belief that is contrary to the immunization requirement of this subchapter or an opposition to the immunization for philosophical reasons.

20-A M.R.S. § 6358 (2006)

§ 6358. Rules; requirements; reports

1. RULES AUTHORIZED. The commissioner and the Director of the Bureau of Health, Department of Human Services, shall jointly issue rules necessary for the effective implementation of this subchapter, including, but not limited to, rules specifying those diseases for which immunization is required and establishing school record keeping and reporting requirements or guidelines and procedures for the exclusion of non-immunized children from school. Rules adopted pursuant to this subchapter specifying the diseases for which immunization is required are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.
2. LOCAL REQUIREMENTS AUTHORIZED. Immunization requirements more stringent than the provisions of this subchapter may be adopted by ordinance enacted by a municipality, by regulation of a school board or by policy of a private school's governing board.

20-A M.R.S. § 6359 (2006)

§ 6359. Immunization of students

1. DEFINITIONS. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Certificate of immunization" means a written statement from a physician, nurse or public health official who has administered an immunizing agent to a student, specifying the dosage administered and the date it was administered.

B. "Chief administrative officer" means the person designated by the legal governing authority as president, administrator or director of a public or private post-secondary school.

C. "Disease" means those conditions that are preventable by immunizing agent, as specified in rules.

D. "Immunizing agent" means a vaccine, toxoid or other substance used to increase an individual's immunity to a disease.

E. "Parent" means a student's parent, legal guardian or custodian. A person shall be regarded as a student's custodian if that person is an adult and has assumed legal charge and care of the student.

F. "Public health official" means the Director of the Bureau of Health or any designated employee or agent of the Department of Human Services.

G. "School" means any public or private, post-secondary school in the State including, but not limited to colleges, universities, technical colleges and schools for the health professions.

G-1. "School health provider" means a physician, physician's assistant, registered nurse or nurse practitioner licensed to practice by the State and appointed by the chief administrative officer to provide health care to the student population.

H. "Student" means any person born after 1956 who attends school full time or who is a candidate for a degree, diploma or graduate certificate.

2. IMMUNIZATION. Except as otherwise provided under this section, every student shall have administered an adequate dosage of an immunizing agent against each disease as specified by rule.

Any such immunizing agent shall meet standards for the biological products, approved by the United States Public Health Service and the dosage requirement specified by the Department of Human Services.

3. ENROLLMENT OF SCHOOL. No chief administrative officer may permit any student to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease, except as follows.

A. The parent or the student provides a physician's written statement or a written statement from a school health provider that immunization against one or more of the diseases may be medically inadvisable.

B. The student or the parent, if the student is a minor, states in writing a sincere religious

belief, which is contrary to the immunization requirement of this subchapter or an opposition to the immunization for philosophical reasons.

4. EXCLUSION FROM SCHOOL. When a public health official has reason to believe that the continued presence in a school of a student who has not been immunized against one or more diseases presents a clear danger to the health of others, the public health official shall notify the chief administrative officer of the school. The chief administrative officer shall cause the student to be excluded from school during the period of danger or until the student receives the necessary immunizing agent.

5. RECORDS; REPORT. Each chief administrative officer shall keep uniform records of the immunizations and immunization status of each student, based on the certificate of immunization, other acceptable evidence and other available documents. The records shall be part of the student's permanent records.

By December 15th of each year, each chief administrative officer shall submit to the Director of the Bureau of Health a summary report of immunization status of the students entering school, as prescribed by rule. A blank summary report form will be provided to each chief administrative officer by the Bureau of Health.

6. RULES; REQUIREMENTS; REPORTS. The Director of the Bureau of Health shall adopt rules necessary for the effective implementation of this subchapter, including, but not limited to, rules establishing immunization requirements and medical exceptions to receiving vaccines or toxoids for each disease, school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized students from school.

Immunization requirements more stringent than the provisions of this subchapter may be adopted by a school board or by policy of a private school's governing board.

A student who is enrolled in a distance education program offered by a school and who does not physically attend any classes or programs at a school facility, including a campus, center or site of that school, or at a school facility, including a campus, center or site of any other school, is exempt from the provisions of this section.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF LICENSING AND REGULATORY SERVICES
COMMUNITY SERVICES PROGRAMS
10-148: OFFICE OF CHILD AND FAMILY SERVICES
CHAPTER 32: RULES FOR LICENSING OF CHILD CARE FACILITIES
SECTION XVIII. HEALTH/MEDICAL**

A. Immunization

1. Certificate of immunization for children. For each child who is not attending public or private school, the facility shall require and have on file, within thirty (30) days of the child's first admission to the facility, and updated annually thereafter, a Certificate of Immunization which clearly illustrates each child's present immunization status. Each child's record must reflect an up-to-date status according to the Day Care Immunization Standards set forth by the Maine Bureau of Health Immunization Program (based on recommendations made by the Centers for Disease Control's Advisory Committee on Immunization Practices).

Dates of immunization (month/day/year) and vaccine type shall be on file for each of the following vaccine-preventable diseases:

- a) Measles;
- b) Mumps;
- c) Rubella;
- d) Diphtheria;
- e) Pertussis;
- f) Polio;
- g) Tetanus;
- h) Haemophilus influenzae Type b;
- i) Varicella;
- j) Hepatitis B; and
- k) Pneumococcal conjugate;

2. Blood test demonstrating immunity. A blood test demonstrating immunity to measles, mumps, and rubella can be provided as proof of immunity. Evidence of this shall be kept on file, and updated in a timely manner.

3. Exceptions to proof of immunity. No child shall be required under this rule to have any such immunization if his/her parent(s) states in writing a sincere religious or philosophical belief that it is contrary to the immunization requirements of this subsection or if the child's physician submits documentation that immunization against one or more of the diseases is medically inadvisable. A written statement must be included in the record of any child for whom such an exemption is being claimed. In the event of a disease outbreak, children not vaccinated for religious, philosophical, or medical reasons must be excluded from the program until the outbreak no longer exists, or until the child receives the necessary immunization.

4. Certificate of immunization for staff. For staff born after 1956, the facility shall obtain and have available a Certificate of Immunization for measles, mumps, rubella, tetanus and diphtheria. A laboratory blood test proving immunity may also be accepted. Documentation of immunity against measles, mumps and rubella is not required for staff born prior to 1957. No person shall be required to provide such documentation if she/he provides in writing the opposition for sincere religious or philosophical reasons or provides written documentation from a physician that such immunization is medically inadvisable.

5. Documenting exemptions to immunization. The facility shall maintain a list of enrollees and staff exempted for religious, philosophical or medical reasons.

6. Immunization records and reporting requirements. The facility shall make immunization records available to the Department of Health and Human Services Bureau of Health upon request.