

**EDUCATION DIVISION II.
ELEMENTARY AND SECONDARY EDUCATION
TITLE 7. PUBLIC SCHOOLS
SUBTITLE 4. HEALTH AND SAFETY OF STUDENTS**

Md. EDUCATION Code Ann. § 7-403 (2007)

FIRST OF TWO VERSIONS OF THIS SECTION

§ 7-403. Immunizations [Amendment subject to abrogation]

(a) Rules and regulations.

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

(2) In cooperation with the State Board and Statewide Advisory Commission on Immunizations, the Department of Health and Mental Hygiene 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 pre-kindergarten 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 Department of Health and Mental Hygiene, certifying that the child has undergone blood testing for lead poisoning administered in accordance with the guidelines of the Centers for Disease Control and Preventions 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) Exception.

(1) Unless the Secretary of Health and Mental Hygiene 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 and Mental Hygiene shall adopt rules and regulations for religious exemptions under this subsection.

SECOND OF TWO VERSIONS OF THIS SECTION

§ 7-403. Immunizations (Abrogation of amendment effective May 31, 2008)

(a) Rules and regulations.

(1) In cooperation with the State Board and Medical and Chirurgical Faculty of Maryland, the Department of Health and Mental Hygiene shall adopt rules and regulations regarding blood test for lead poisoning required of children entering schools.

(2) In cooperation with the State Board and Medical and Chirurgical Faculty of Maryland, the Department of Health and Mental Hygiene shall adopt rules and regulations regarding immunizations 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 pre-kindergarten 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 Department of Health and Mental Hygiene, certifying that the child has undergone testing for lead poisoning 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) Exception.

(1) Unless the Secretary of Health and Mental Hygiene 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 and Mental Hygiene shall adopt rules and regulations for religious exemptions under this subsection.

**HEALTH-GENERAL
TITLE 18. DISEASE PREVENTION
SUBTITLE 4. MISCELLANEOUS PROVISIONS**

Md. HEALTH-GENERAL Code Ann. § 18-403 (2007)

§ 18-403. Religious exemption

(a) In general. -- Unless the Secretary declares an emergency or disease epidemic, the Department may not require the immunization of an individual if:

- (1) The individual objects to immunization because it conflicts with the individual's bona fide religious beliefs and practices; or
- (2) The individual is a minor and the individual's parent or guardian objects to immunization because it conflicts with the parent or guardian's bona fide religious beliefs and practices.

(b) Rules and regulations. -- The Secretary shall adopt rules and regulations for religious exemptions under this section.

**CODE OF MARYLAND REGULATIONS
TITLE 13A. STATE BOARD OF EDUCATION
SUBTITLE 14. CHILD AND FAMILY DAY CARE
13A.14.02. CHILD CARE LICENSING**

13A.14.02.44 (2007)

44 Admission to Care.

A. An operator may not admit a child to a center for child care or allow a child to remain in care unless the operator has:

- (1) Received a completed emergency form for the child as required in Regulation .38 of this chapter;
- (2) Received a written report of a health inventory on the child, including a statement of

allergies, on a form supplied or approved by the office that includes a parental statement on the health status of the child and is:

(a) Unless a parent objects to a child's medical examination because of bona fide religious beliefs and practices, based on an examination completed within the last:

- (i) 2 months before admission for a child under 9 months,
- (ii) 3 months before admission for a child between 9 and 24 months, or
- (iii) 12 months before admission for a child over 2 years old; or

(b) Transferred directly, without a gap in time longer than 3 months, from a family day care home, another licensed child care center, or a public or nonpublic school in Maryland;

(3) Received evidence, on a form supplied or approved by the office, that:

- (a) The child has had immunizations appropriate for the child's age;
- (b) The child has had at least one dose of each vaccine appropriate for age before entry and is scheduled to complete the required immunizations;
- (c) A licensed physician or a health officer has determined that immunization is medically contraindicated according to accepted medical standards; or
- (d) The parent objects to the child's immunization because it conflicts with the parent's bona fide religious beliefs and practices;

(4) A source of emergency health services acceptable to parents with written parental agreement for its use; and

(5) Received parental permission for the school to give the school age child's health information to the center.

B. Lead Screening.

(1) This section applies to a child who was:

- (a) Admitted to the facility on or after May 8, 1997; and
- (b) Younger than 6 years old at the time of admission.

(2) An operator may not admit a child to a facility or allow a child to remain in care unless the operator has received evidence that the child has received an appropriate lead screening as required by State or local law.

(3) The evidence required by §C(2) of this regulation shall be:

- (a) On a form supplied or approved by the office; and
- (b) Submitted within 30 days after the child's admission to the facility.

C. In a case when a parent objects to a child's immunization or medical examination, or both, because of the parent's bona fide religious beliefs and practices, an operator shall

require the parent to provide a health history of the child and sign a statement indicating that to the best of the parent's knowledge and belief, the child is in satisfactory health and free from any communicable disease.