

**PART I. ADMINISTRATION OF THE GOVERNMENT
TITLE XII. EDUCATION
CHAPTER 76. SCHOOL ATTENDANCE**

ALM GL ch. 76, § 15 (2007)

§ 15. Vaccination and Immunization; Exceptions by Reason of Physical Condition or Religious Belief.

No child shall, except as hereinafter provided, be admitted to school except upon presentation of a physician's certificate that the child has been successfully immunized against diphtheria, pertussis, tetanus, measles and poliomyelitis and such other communicable diseases as may be specified from time to time by the department of public health.

A child shall be admitted to school upon certification by a physician that he has personally examined such child and that in his opinion the physical condition of the child is such that his health would be endangered by such vaccination or by any of such immunizations. Such certification shall be submitted at the beginning of each school year to the physician in charge of the school health program. If the physician in charge of the school health program does not agree with the opinion of the child's physician, the matter shall be referred to the department of public health, whose decision will be final.

In the absence of an emergency or epidemic of disease declared by the department of public health, no child whose parent or guardian states in writing that vaccination or immunization conflicts with his sincere religious beliefs shall be required to present said physician's certificate in order to be admitted to school.

**PART I. ADMINISTRATION OF THE GOVERNMENT
TITLE XVI. PUBLIC HEALTH
CHAPTER 111. PUBLIC HEALTH
VACCINATION**

ALM GL ch. 111, § 183 (2007)

§ 183. Exemptions.

Any person over eighteen presenting a certificate, signed by the register of a probate court, that he is under guardianship shall not be subject to section one hundred and eighty-one; and any child presenting a certificate, signed by a registered physician designated by the parent or guardian, that the physician has at the time of giving the certificate personally examined the child and that he is of the opinion that the physical condition of the child is such that his health will be endangered by vaccination, shall not, while such condition continues, be subject to the two preceding sections.

CODE OF MASSACHUSETTS REGULATIONS

TITLE 105: DEPARTMENT OF PUBLIC HEALTH CHAPTER 220.000: IMMUNIZATION OF STUDENTS BEFORE ADMISSION TO SCHOOL

105 CMR 220.400 (2007)

220.400: Definitions

For purposes of 105 CMR 220.000, the term: Certificate of Immunization shall mean either:

- (a) a form or letter signed and dated by a physician or designee; or
- (b) a dated report from the Massachusetts Immunization Information System which specifies the month and year of administration and the type/name of the vaccine(s) administered to the student.

Preschool shall mean a program offered by a public school system on a regular basis, whether known as day care, pre-school or other term, which provides care and custody during all or part of the day, separate from parents, for pre-kindergarten children and which is not regulated by the Office for Child Care Services. Student shall mean any individual attending, or enrolled or registered to attend, a pre-school program as defined in 105 CMR 220.400, kindergarten through 12th grade in a public or private school, or a postsecondary institution, as defined in section 220.600, provided the educational program is offered either on or off-site in Massachusetts. The term student shall also include any individual from another country attending or visiting classes or educational programs as part of a formal academic visitation or exchange program.

105 CMR 220.500 (2007)

220.500: Immunization Requirements for Preschool, Elementary, Middle and High School Students

(A) No student, as defined in 105 CMR 220.400, shall attend a preschool program without a certificate of immunization documenting that the child has been successfully immunized in accordance with current Department of Public Health (DPH) recommended schedules against diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles, mumps, rubella, Haemophilus influenzae type b (Hib), hepatitis B, varicella and other communicable diseases as specified from time to time by the Department, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, or any successor committee serving a comparable function.

(B) No student, as defined in 105 CMR 220.400, shall attend kindergarten through 12th grade without a certificate of immunization or a copy of a school immunization record that the student has received at least the following immunizations:

(1) five doses of diphtheria, tetanus, pertussis (DTP), or diphtheria, tetanus, acellular pertussis (DTaP) vaccines, unless the fourth dose has been administered after the fourth birthday, in which case only four doses are required;

(a) where pertussis vaccine is medically contraindicated, diphtheria-tetanus toxoid (DT) is to be substituted for DTP vaccine;

(b) where the student is seven or more years of age and requires additional immunizations to satisfy 105 CMR 220.500(B)(1), tetanus-diphtheria toxoid (Td) is to be substituted for DTP or DT vaccine;

(2) four doses of trivalent polio vaccine (unless the third dose of an all oral polio vaccine [OPV] or all inactivated polio vaccine [IPV] series has been administered after the fourth birthday, in which case only three doses are required);

(3) one dose of measles (live), mumps, rubella (MMR) vaccine given at or after 12 months of age. In addition, a second dose of a live, measles containing vaccine is required for students attending kindergarten and grade seven (or in the case of an ungraded classroom, students 12 years of age or older). Both doses of measles vaccine must be given at least one month apart beginning at or after 12 months of age. After September 1, 2001, this requirement shall apply to all students attending grades K through 12 and all students in ungraded classrooms;

(4) three doses of hepatitis B vaccine for students attending kindergarten. Beginning on September 1, 1999, this requirement shall apply to all students attending grade seven (or in the case of an ungraded classroom, students 12 years of age or older). Beginning on September 1, 2005, this requirement shall apply to all students attending grades K through 12 and all students in ungraded classrooms;

(5) beginning on September 1, 1999, varicella vaccine for students attending kindergarten and grade seven (or in the case of an ungraded classroom, students 12 years of age or older) is required, as follows:

(a) one dose is required for all students receiving vaccine at less than 13 years of age; and

(b) two doses are required for students receiving their first dose of vaccine at 13 years of age or older.

After September 1, 2005, this requirement shall apply to students attending grades kindergarten through 12 and all students in ungraded classrooms; and

(6) beginning on September 1, 1999, a booster of Td vaccine for students attending seventh grade (or in the case of an ungraded classroom, for students 12 years of age or older), if it is five years or more since the last dose.

(C) The requirements in 105 CMR 220.500(A) and (B) shall not apply:

- (1) upon presentation of written documentation that the student meets the standards for medical or religious exemption set forth in M.G.L. c. 76, § 15;
- (2) upon presentation of appropriate documentation, including a copy of a school immunization record, indicating receipt of the required immunizations;
- (3) in the case of measles, mumps, rubella and hepatitis B, upon presentation of laboratory evidence of immunity; or
- (4) in the case of varicella, upon presentation of laboratory evidence of immunity or a statement signed by a physician that the student has a history of chickenpox disease.

105 CMR 220.600 (2007)

220.600: Immunization Requirements for Postsecondary Students

(A) No student, as specified in 105 CMR 220.400(C) and 220.600(B), shall attend a postsecondary institution without a certification of immunization, as specified in 105 CMR 220.600(C). For purposes of 105 CMR 220.600, "postsecondary institution" shall mean a college, university, institute or school accredited as a postsecondary institution by the New England Association of Schools and Colleges.

(B) The following students are subject to the requirements of 105 CMR 220.600(C):

- (1) full-time undergraduate and graduate students;
- (2) part-time undergraduate and graduate students in a health science program who may be in contact with patients; and
- (3) beginning on January 1, 1999, any full or part-time student attending an institution of higher education in Massachusetts while on a student or other visa, including a student attending or visiting classes or programs as part of a formal academic visitation or exchange program.

(C) Each student subject to 105 CMR 220.600(B) must present a certificate of immunization that the student has received the following immunizations:

- (1) at least one dose of mumps and rubella vaccine(s) given at or after 12 months of age;
- (2) two doses of live measles vaccine given at least one month apart beginning at or after 12 months of age;
- (3) a booster dose of Td within the last ten years;
- (4) beginning on September 1, 2000, 3 doses of hepatitis B vaccine will be required for all students in a health science program who may be in contact with patients. After September 1, 2005, this requirement shall apply to all students subject to 105 CMR 220.600.

(D) The requirements of 105 CMR 220.600 shall not apply where:

- (1) the student provides written documentation that he or she meets the standards for medical or religious exemption set forth in M.G.L. c. 76, ss 15C;
- (2) the student provides appropriate documentation, including a copy of a school

immunization record, indicating receipt of the required immunizations; or
(3) in the case of measles, mumps, rubella and hepatitis B, the student presents laboratory evidence of immunity.

(E) Whenever possible, such immunizations are to be obtained prior to enrollment or registration. However, students subject to 105 CMR 220.600 may be enrolled or registered provided that the required immunizations are obtained within 30 days of registration and provided, further, that the postsecondary institution has policies and procedures for ascertaining which students have failed to obtain the necessary immunizations within 30 days, and for taking appropriate follow up action to ensure compliance with 105 CMR 220.00.

CODE OF MASSACHUSETTS REGULATIONS

TITLE 102: GROUP DAY CARE AND SCHOOL AGE CHILD CARE PROGRAMS

CHAPTER 7.00: STANDARDS FOR THE LICENSURE OR APPROVAL OF GROUP DAY CARE AND SCHOOL AGE CHILD CARE PROGRAMS

102 CMR 7.09 Enrollment (2007)

(5) Required Medical Examinations.

(a) In Group Day Care Programs:

6. The licensee shall require, at admission, a physician's certificate that each child has been successfully immunized in accordance with the current Department of Public Health's recommended schedules against diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles and such other communicable diseases as may be specified from time to time by the Office. No child shall be required, under 102 CMR 7.00 to have any such immunization if his parent(s) objects thereto, in writing, on the grounds that it conflicts with their religious beliefs or if the child's physician submits documentation that such a procedure is contraindicated.