

# HOUSE BILL 1292

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By: **Delegates Arikan, Boteler, Howard, Kipke, Krebs, Morgan, Rose, Szeliga, and Wivell**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools and Child Care Providers – Immunizations – Discriminatory**  
3 **Policies Prohibited**

4 FOR the purpose of prohibiting a county board of education, public school, or child care  
5 provider from adopting a certain immunization policy that prohibits certain children  
6 from participating in certain activities or discriminates against certain children for  
7 having a certain exemption from certain immunization requirements; and generally  
8 relating to immunization policies and public schools and child care providers.

9 BY repealing and reenacting, with amendments,  
10 Article – Education  
11 Section 7–403  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume and 2021 Supplement)

14 BY adding to  
15 Article – Education  
16 Section 9.5–115  
17 Annotated Code of Maryland  
18 (2018 Replacement Volume and 2021 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Education**

22 7–403.

23 (a) (1) In cooperation with the State Board and the Maryland State Medical  
24 Society, the Maryland Department of Health shall adopt rules and regulations regarding

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 blood tests for lead poisoning required of children entering schools.

2 (2) In cooperation with the State Board and the Statewide Advisory  
3 Commission on Immunizations, the Maryland Department of Health shall adopt rules and  
4 regulations regarding immunizations required of children entering schools.

5 (3) These rules and regulations shall:

6 (i) Be adopted in compliance with the Administrative Procedure  
7 Act;

8 (ii) Provide that any child may have the immunization administered  
9 by his personal physician; and

10 (iii) 1. By September 2003, in areas designated as at risk for lead  
11 poisoning, as determined under § 18-106 of the Health – General Article, when a child  
12 enters a public prekindergarten program, kindergarten program, or first grade, require the  
13 parent or legal guardian of the child to provide documentation from a health care provider,  
14 on a form developed by the Maryland Department of Health, certifying that the child has  
15 undergone blood testing for lead poisoning administered in accordance with the guidelines  
16 of the Centers for Disease Control and Prevention in the screening of young children for  
17 lead poisoning: Guidance for State and Local Public Health Officials (November 1997) and  
18 any subsequent guidelines; and

19 2. By September 2003, require a program or school to report  
20 the name, last known address, and telephone number of each child for whom certified  
21 documentation of a lead test is not provided under item 1 of this item, as determined by  
22 regulation, to the local health department in the jurisdiction where the child resides.

23 (4) Any requirement for the administration of pertussis vaccine shall be  
24 consistent with § 18-332(b) of the Health – General Article.

25 (b) (1) Unless the Secretary of Health declares an emergency or an epidemic  
26 of disease, a child whose parent or guardian objects to immunization on the ground that it  
27 conflicts with the parent's or guardian's bona fide religious beliefs and practices may not  
28 be required to present a physician's certification of immunization in order to be admitted  
29 to school.

30 (2) The Secretary of Health shall adopt rules and regulations for religious  
31 exemptions under this subsection.

32 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY BOARD**  
33 **OR PUBLIC SCHOOL MAY NOT ADOPT AN IMMUNIZATION POLICY THAT:**

34 **(1) REQUIRES A CHILD TO GET A VACCINE THAT IS NOT REQUIRED BY**  
35 **THE MARYLAND DEPARTMENT OF HEALTH UNDER SUBSECTION (A) OF THIS**

1 SECTION TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES AT A PUBLIC SCHOOL  
2 IN THE COUNTY; OR

3 (2) DISCRIMINATES AGAINST OR ESTABLISHES SEPARATE  
4 TREATMENT REQUIREMENTS, INCLUDING DIFFERENT QUARANTINE POLICIES, FOR  
5 A CHILD WHO HAS RECEIVED AN EXEMPTION FROM REQUIRED IMMUNIZATIONS  
6 BECAUSE OF:

7 (I) A CONFLICT WITH THE PARENT'S OR GUARDIAN'S BONA  
8 FIDE RELIGIOUS BELIEFS AND PRACTICES; OR

9 (II) A CHILD'S DOCUMENTED MEDICAL CONDITION ON THE  
10 ADVICE OF THE CHILD'S PHYSICIAN.

11 9.5-115.

12 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CHILD CARE PROVIDER  
13 MAY NOT ADOPT AN IMMUNIZATION POLICY THAT:

14 (1) REQUIRES A CHILD TO GET A VACCINE THAT IS NOT REQUIRED BY  
15 THE MARYLAND DEPARTMENT OF HEALTH TO PARTICIPATE IN EXTRACURRICULAR  
16 ACTIVITIES; OR

17 (2) DISCRIMINATES AGAINST OR ESTABLISHES SEPARATE  
18 TREATMENT REQUIREMENTS, INCLUDING DIFFERENT QUARANTINE POLICIES, FOR  
19 A CHILD WHO HAS RECEIVED AN EXEMPTION FROM REQUIRED IMMUNIZATIONS  
20 BECAUSE OF:

21 (I) A CONFLICT WITH THE PARENT'S OR GUARDIAN'S BONA  
22 FIDE RELIGIOUS BELIEFS AND PRACTICES; OR

23 (II) A CHILD'S DOCUMENTED MEDICAL CONDITION ON THE  
24 ADVICE OF THE CHILD'S PHYSICIAN.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
26 1, 2022.